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Book 1 of 2 Books
Monday, October 24, 1988

Briefing on How To Use the Federal Register—
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 4; at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240

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Presidential Documents

Title 3—

The President

Proclamation 5885 of October 20, 1988

Increase in the Rates of Duty for Certain Articles From Brazil

By the President of the United States of America

A Proclamation

1. On July 21, 1988, prior to the date of enactment of section 1301 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), I determined pursuant to section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411), that the Government of Brazil has failed to provide process and product patent protection for pharmaceutical products and fine chemicals, and that this failure is unreasonable and constitutes a burden or restriction on U.S. commerce (53 Fed. Reg. 28177). This failure permits the unauthorized copying of pharmaceutical products and processes that were invented by U.S. firms. I directed the United States Trade Representative to hold public hearings on products of Brazil that were appropriate candidates for increased duties or other import restrictions, and those hearings were held September 8 and 9, 1988. I have further determined, pursuant to section 301 of the Trade Act of 1974, as amended by the Omnibus Trade and Competitiveness Act of 1988, that appropriate and feasible action in response to Brazil's unreasonable policies and practices is to impose increased duties of 100 percent *ad valorem* on certain imported articles that are the products of Brazil.

2. Section 301 of the Act as amended authorizes appropriate and feasible action within the power of the President to obtain the elimination of an act, policy, or practice of a foreign government that is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable, unreasonable, or discriminatory and burdens or restricts U.S. commerce. Section 301 authorizes the suspension, withdrawal, or prevention of the application of benefits of trade agreement concessions with respect to, and the imposition of duties or other import restrictions on the products of, such foreign country for such time as is appropriate. Pursuant to section 301, such actions may be taken on a nondiscriminatory basis or solely against the products of the foreign country involved.

3. I have decided, pursuant to section 301, to increase U.S. import duties on the articles provided for in the annexes to this Proclamation that are the products of Brazil.

4. Section 604 of the Trade Act of 1974 (19 U.S.C. 2483) authorizes the President to embody in the Tariff Schedules of the United States (TSUS) the substance of the provisions of that Act, of other Acts affecting import treatment, and of actions taken thereunder. Section 1204(b) of the Omnibus Trade and Competitiveness Act of 1988 requires that I proclaim such modifications to the Harmonized Tariff Schedule of the United States (HTS), as enacted in section 1204 of that Act, as are necessary or appropriate to implement the applicable provisions of statutes enacted, executive actions taken, and final judicial decisions rendered, after January 1, 1988, and before the effective date of the HTS.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including but not limited to sections 301 and 604 of the Trade Act of 1974, as amended, and section 1204 of the Omnibus Trade and Competitiveness Act of 1988, do proclaim that:

(1) Subpart B of part 2 of the Appendix to the TSUS is modified as provided in Annex I to this Proclamation.

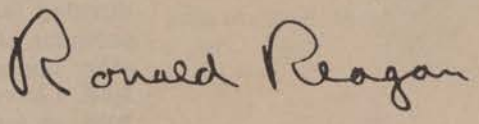
(2) Chapter 99 of the HTS is modified as provided in Annex II to this Proclamation.

(3) The United States Trade Representative is authorized to suspend, modify, or terminate the increased duties imposed by this Proclamation upon publication in the **Federal Register** of his determination that such action is in the interest of the United States.

(4)(a) The modifications to the TSUS made by Annex I to this Proclamation are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 10th day after the date of signature of this Proclamation.

(b) The modifications to the HTS made by Annex II to this Proclamation are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of October, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and thirteenth.



Billing code 3195-01-M

ANNEX I

Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States is modified by inserting in numerical sequence the following new items and superior heading, set forth herein in columnar form, in the columns designated "Item", "Articles", "Rates of Duty 1", and "Rates of duty 2", respectively.

	"Articles the product of Brazil:		
946.60	Writing paper weighing over 18 pounds per ream (provided for in item 252.75, part 4B of schedule 2).....	100% ad val.	No change
946.61	Other papers not specially provided for, not impregnated, not coated, not surface-colored, not embossed, not ruled, not lined, not printed, and not decorated, weighing not over 18 pounds per ream (provided for in items 252.77 and 252.79, part 4B of schedule 2).....	100% ad val.	No change
946.62	Writing paper weighing over 18 pounds per ream, not lithographically printed (provided for in item 254.56, part 4B of schedule 2).....	100% ad val.	No change
946.63	Other paper and paperboard (except basic paper to be sensitized for use in photography and except filtering paper), cut to size or shape (provided for in items 256.20, 256.25, and 256.30, part 4C of schedule 2).....	100% ad val.	No change
946.64	Blank books, bound (provided for in items 256.56 and 256.58, part 4C of schedule 2).....	100% ad val.	No change
946.65	Synthetic alkaloids and their compounds (provided for in item 437.20, part 3B of schedule 4).....	100% ad val.	No change
946.66	Antibiotics, except natural and not artificially mixed (provided for in item 437.32, part 3B of schedule 4)...	100% ad val.	No change
946.67	Menthol (provided for in item 437.64, part 3B of schedule 4).....	100% ad val.	No change
946.68	Microwave ovens (provided for in item 684.25, part 5 of schedule 6).....	100% ad val.	No change
946.70	Television cameras, and parts thereof (provided for in item 684.90, part 5 of schedule 6).....	100% ad val.	No change

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946.71	Complete television receivers (provided for in item 684.92, part 5 of schedule 6).....	100% ad val.	No change
946.72	Television receiver assemblies having a picture tube (including kits containing all parts necessary for assembly into complete monochrome or color receivers) (provided for in items 684.94 and 684.96, part 5 of schedule 6).....	100% ad val.	No change
946.73	Record players, phonographs, record changers, turntables, and parts of the foregoing (except tone arms and parts thereof) (provided for in item 685.38, part 5 of schedule 6).....	100% ad val.	No change
946.74	Telephone answering machines, and parts thereof (provided for in item 685.39, part 5 of schedule 6).....	100% ad val.	No change
946.75	Tape recorders and dictation recording and transcribing machines (other than telephone answering machines), and parts thereof (provided for in item 685.40, part 5 of schedule 6).....	100% ad val.	No change
946.76	Radio-television-phonograph combinations (provided for in item 685.42, part 5 of schedule 6).....	100% ad val.	No change
946.77	Other radiotelegraphic and radiotelephonic transmission and reception apparatus, and parts thereof, not specially provided for (provided for in item 685.49, part 5 of schedule 6).....	100% ad val.	No change"

ANNEX II

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) (section 1204 of Pub. L. 100-418) is modified by inserting the following new subheadings and superior description, with the material inserted in the columns entitled "Heading/Subheading", "Article Description", "Rates of Duty 1 General", and "Rates of Duty 2", respectively.

	"Articles the product of Brazil:		
9903.42.01	Menthol (provided for in subheading 2906.11.00); medicaments containing menthol, put up in measured doses or in forms or packings for retail sale (provided for in subheading 3004.90.60).....	100% ad val.	No change
9903.42.05	Theophylline and aminophylline (Theophylline-ethylenediamine) and their derivatives, ephedrines (except pseudoephedrine), alkaloids of rye ergot and their derivatives, and salts of any of the foregoing (provided for in subheadings 2939.40.50, 2939.50.00 and 2939.60.00); vegetable alkaloids reproduced by synthesis and their salts, ethers, esters and other derivatives, the foregoing not specially provided for (provided for in subheading 2939.90.50); and medicaments containing any of the foregoing alkaloids or derivatives but not containing hormones or other products of heading 2937 or antibiotics, whether or not put up in measured doses or in forms or packings for retail sale (provided for in subheadings 3003.40.00 and 3004.40.00).....	100% ad val.	No change
9903.42.10	Streptomycins, tetracyclines and erythromycin and their derivatives; salts of any of the foregoing (provided for in subheadings 2941.20.00, 2941.30.00 and 2941.50.00); other antibiotics not specially provided for, except natural and except aromatic or modified aromatic (provided for in subheading 2941.90.50); medicaments containing antibiotics other than penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives, the foregoing not put up in measured doses or in forms or packings for retail sale (provided for in subheading 3003.20.00); medicaments containing penicillins or derivatives thereof (except penicillin G salts), streptomycins or their derivatives or other antibiotics (provided for in subheadings 3004.10.50 and 3004.20.00).....	100% ad val.	No change

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9903.42.15	Writing paper (provided for in subheadings 4802.51.10, 4802.52.10, and 4802.53.10); other writing paper and cover paper, of which more than 10 per cent by weight of the total fiber content consists of fibers obtained by a mechanical process (provided for in subheading 4802.60.10).....	100% ad val.	No change
9903.42.20	Other uncoated paper and paperboard not specially provided for, in rolls or sheets, weighing not over 30 g/m^2 (provided for in subheadings 4805.60.50 and 4805.60.70).....	100% ad val.	No change
9903.42.25	Self-copy writing paper whether or not printed, in rolls of a width exceeding 36 cm or in rectangular (including square) sheets with at least one side exceeding 36 cm in unfolded state (provided for in subheading 4809.20.20).....	100% ad val.	No change
9903.42.28	Other paper and paperboard (other than light-weight coated paper) of a kind used for writing, printing or other graphic purposes, coated on one or both sides with kaolin or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-colored, surface-decorated or printed, in rolls or sheets (provided for in subheading 4810.29.00).....	100% ad val.	No change
9903.42.30	Carbon or similar copying papers and self-copy paper (provided for in subheadings 4816.10.00 and 4816.20.00).....	100% ad val.	No change
9903.42.33	Letter cards, plain postcards and correspondence cards (provided for in subheading 4817.20.40).....	100% ad val.	No change
9903.42.35	Toilet paper, handkerchiefs, cleansing or facial tissues and towels, and tablecloths and table napkins (provided for in subheadings 4818.10.00, 4818.20.00 and 4818.30.00).....	100% ad val.	No change
9903.42.38	Sanitary food and beverage containers (provided for in subheading 4819.50.20); trays, dishes, plates, cups and the like, of paper or paperboard (provided for in subheading 4823.60.00).....	100% ad val.	No change
9903.42.40	Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles (provided for in subheadings 4820.10.20 and 4820.10.40).....	100% ad val.	No change

ANNEX II (con.)

9903.42.45	Paper and paperboard labels of all kinds, not printed, not pressure-sensitive (provided for in subheading 4821.90.40); gummed or adhesive paper, in strips or rolls, not pressure-sensitive (provided for in subheading 4823.19.00); cards, not punched, for punchcard machines, whether or not in strips (provided for in subheading 4823.30.00).....	100% ad val.	No change
9903.42.50	Other paper and paperboard (except basic paper to be sensitized for use in photography), of a kind used for writing, printing or other graphic purposes (provided for in subheadings 4823.51.00 and 4823.59.40); other coated paper or paperboard or articles thereof (provided for in subheading 4823.90.65); other goods of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers (provided for in subheading 4823.90.85).....	100% ad val.	No change
9903.42.55	Microwave ovens (provided for in subheadings 8419.81.10 and 8516.50.00).....	100% ad val.	No change
9903.42.60	Turntables, record players, and other sound recording apparatus (except cassette type of subheading 8519.91.00), not incorporating a sound recording device (provided for in heading 8519); parts of the foregoing (provided for in subheading 8522.90.90).....	100% ad val.	No change
9903.42.65	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device (provided for in heading 8520); parts of the foregoing (provided for in subheadings 8522.90.60 and 8522.90.90).....	100% ad val.	No change
9903.42.70	Magnetic tape-type video recording or reproducing apparatus (provided for in subheading 8521.10.00).....	100% ad val.	No change
9903.42.75	Parts and accessories of apparatus of headings 8519 to 8521 (provided for in subheadings 8522.90.60 and 8522.90.90).....	100% ad val.	No change
9903.42.80	Television cameras (provided for in subheading 8525.30.00).....	100% ad val.	No change

ANNEX II (con.)

9903.42.85	Radio-tape recorder combinations (provided for in subheading 8527.11.20); radiobroadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles, combined with sound recording or reproducing apparatus, other than radio-tape player combinations (provided for in subheading 8527.21.40); other combination radiobroadcast receivers incorporating tape recorders (provided for in subheading 8527.31.50).....	100% ad val.	No change
9903.42.90	Television receivers (including video monitors and video projection television receivers), whether or not combined, in the same housing, with radiobroadcast receivers or sound or video recording or reproducing apparatus (provided for in heading 8528)....	100% ad val.	No change
9903.42.95	Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528 (provided for in subheadings 8529.90.30 and 8529.90.50).....	100% ad val.	No change"

[FR Doc. 88-24711
Filed 10-21-88; 11:14 am]
Billing code 3195-01-C

Rules and Regulations

Federal Register
Vol. 53, No. 205
Monday, October 24, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

Expenses and Assessment Rate for Marketing Order Covering Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 906 for the 1988–89 fiscal period established for that order. The rule is needed for the Texas Valley Citrus Committee to incur operating expenses during the 1988–89 fiscal period and to collect funds during that period to pay those expenses. This will facilitate program operations. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: August 1, 1988, through July 31, 1989 (§ 906.226).

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone 202–475–3918.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 22 handlers of oranges and grapefruit under this marketing order, and approximately 3,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of the handlers and producers may classify as small entities.

Each marketing order administered by the Department of Agriculture requires that the assessment rate for a particular fiscal period shall apply to all assessable commodities handled from the beginning of such period. An annual budget of expenses is prepared by each administrative committee and submitted to the Department for approval. The members of the administrative committees are handlers and producers of the regulated commodities. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local areas, and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each committee is derived by dividing anticipated expenses by expected shipments of the commodity (e.g., pounds, tons, boxes, cartons, etc.). Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committee before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The Texas Valley Citrus Committee met September 6, 1988, and unanimously recommended 1988–89 fiscal period expenditures of $1,376,634 and an assessment rate of $0.12 per 7/10 bushel carton of assessable oranges and grapefruit shipped under M.O. 906. In comparison, 1987–88 budgeted expenditures were $857,400 with an assessment rate of $0.10 per 7/10 bushel carton shipped. Major expenditure items bugeted this year in comparison to 1987–88 actual expenditures (in parentheses) are $1,080,000 ($462,000) for advertising and promotion, $143,634 ($96,601) for the mex-fly program, and $153,000 ($96,920) for program administration. The increase in advertising expenses is needed to market the 1988–89 production expected to be 15 percent higher than last season. The increase in program administration expenses is needed to cover salary and rent increases and the anticipated cost of participating in a possible citrus conference in California.

An estimated assessment income of $918,528 based on the shipment of 7,654,400 cartons of oranges and grapefruit, along with $35,000 in interest income, $54,000 in prepaid advertising and $369,106 to be taken from the operating reserve will be utilized to cover 1988–89 fiscal period expenditures.

Unexpended funds from the 1987–88 fiscal period will be placed in the committee's operating reserves. The reserves are well within the maximum authorized under the order.

A proposed rule inviting comments on the Texas Valley Citrus committee's 1988–89 expenses and assessment rate was published in the **Federal Register** on September 27, 1988 (53 FR 37585). The comment period ended October 7, 1988. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits

derived from the operation of the marketing order. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found that the budget of expenses, assessment rate, and carryover of unexpended funds are reasonable and will tend to effectuate the declared policy of the Act.

This budget of expenses and assessment rate should be expedited because the committee needs to have sufficient funds to pay their expenses, which are incurred on a continuous basis. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Part 906

Marketing agreements and orders, oranges and grapefruit, Texas.

For the reasons set forth in the preamble, 7 CFR Part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR Part 906 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 906.228 is added to read as follows:

Note.—This section will not appear in the Code of Federal Regulations.

§ 906.228 Expenses and assessment rate.

Expenses of $1,376,634 by the Texas Valley Citrus Committee are authorized, and an assessment rate of $0.12 per 7/10 bushel carton of assessable oranges and grapefruit is established for the fiscal period ending July 31, 1989. Unexpended funds from the 1987–88 fiscal year may be carried over as a reserve.

Dated: October 18, 1988.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–24478 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Reg. 635, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 16 through October 22, 1988, from 229,000 cartons to 254,000 cartons. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 635, Amendment 1 (§ 910.935) is effective for the period October 16 through October 22, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (committee) and upon their available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988–89. The committee conducted a telephone poll on October 17, 1988, and, upon considering the current and prospective conditions of supply and demand, unanimously recommended that the quantity of lemons deemed advisable to be handled during the specified week be increased from 229,000 cartons to 254,000 cartons. The committee reports that the demand for lemons has improved beyond what was anticipated by the committee on October 12, 1988, when the 229,000 carton recommendation was made.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.935 is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.935 Lemon Regulation 635, Amendment 1.

The quantity of lemons grown in California and Arizona which may be handled during the period October 16, 1988, through October 22, 1988, is established at 254,000 cartons.

Dated: October 18, 1988.

Robert C. Keeney,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–24479 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 636]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 636 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 264,000 cartons during the period October 23 through October 29, 1988. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 636 (§ 910.936) is effective for the period October 23 through October 29, 1988.

FOR FURTHER INFORMATION CONTACT: Raymond C. Martin, Section Head, Volume Control Programs, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, D.C. 20090-6456; telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject ot such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended [7 CFR Part 910] regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1988-89. The Committee met publicly on October 19, 1988, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by an 11 to 1 vote, a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that the demand for lemons has improved.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.936 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 910.936 Lemon Regulation 636.

The quantity of lemons grown in California and Arizona which may be handled during the period October 23, 1988, through October 29, 1988, is established at 264,000 cartons.

Dated: October 20, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88-24617 Filed 10-21-88; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 11

[Docket No. 88-160]

Horse Protection Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Horse Protection Regulations to remove language that would have terminated after October 31, 1988, provisions that prohibit heel buildup in excess of 1 inch on yearling horses. This amendment is necessary to better protect horses under the Horse Protection Act.

DATES: This interim rule is effective October 24, 1988. Consideration will be given only to comments postmarked or received on or before November 23, 1988.

ADDRESSES: Send an original and three copies of written comments to Regulatory Analysis and Development, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 88-160. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 756, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7833.

SUPPLEMENTARY INFORMATION:

Background

In this interim rule we are removing language, inadvertently retained in the Horse Protection Regulations in 9 CFR Part II (referred to below as the regulations), that would have terminated after October 31, 1988, a prohibition of heel buildup in excess of 1 inch on yearling horses.

On April 26, 1988, we published an interim rule in the **Federal Register** (53 FR 14778-14782, Docket No. 88-052) that amended the regulations to establish a schedule for phasing down the maximum allowable height of pads used on horses. The schedule would have limited the total height of pads to 1 inch as of November 1, 1988.

Prior to the April 26 interim rule, § 11.2(b)(8) of the regulations prohibited

indefinitely the use of pads or other devices on yearling horses that elevate or change the angle of the yearlings' hooves more than 1 inch at the heel. This limit is necessary because the immature development of yearlings' limbs makes higher pads potentially harmful to these horses. However, our limiting the total height of pads on all horses to 1 inch as of November 1, 1988, made the provisions of § 11.2(b)(8) superfluous after October 31, 1988. Therefore, we added language to the regulations that would have terminated the provisions of § 11.2(b)(8) after October 31, 1988.

In a subsequent interim rule published July 28, 1988 (53 FR 28366–28373, Docket No. 88–125), we eliminated the regulations that phased down maximum pad height to 1 inch, and established in their place restrictions on pad height based on the length of a horse's natural foot. Under these new provisions, currently in effect, the pad height on some horses may exceed 1 inch, which would be injurious to yearling horses. However, in the July 28 interim rule, we inadvertently retained the language that terminates the provisions of § 11.2(b)(8) after October 31. Because it continues to be necessary for the well-being of yearing horses to limit any change in the elevation or angle of their hooves to 1 inch, we are removing the language in the regulations that would have terminated the provisions of § 11.2(b)(8) after October 31, 1988.

Emergency Action

The Adminnistrator of the Animal and Plant Health Inspection Service has determined that an emergency situation exists, which warrants publication of this interim rule without prior notice and opportunity for public comment.

It is important for the well-being of yearling horses that we retain the 1-inch limit on any change in the elevation or angle of those horses' hooves at the heel. To ensure that this restriction remains effective after October 31, 1988, we are publishing this interim rule.

Since prior notice and other public procedures with respect to this rule are impracticable and contrary to the public interst under these emergency conditions, there is good cause under 5 U.S.C. 553 for making it effective upon publication in the **Federal Register**. We will consider comments postmarked or received within 30 days of the publication of this rule in the **Federal Register**. Any amendments we make to this rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this interim rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1, and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The change to the regulations made by this interim rule will cause no change in current industry practices.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paper Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 11

Animal welfare, Horses, Humane animal handling, Soring of horses.

PART 11—HORSE PROTECTION REGULATIONS

Accordingly, 9 CFR Part 11 is amended as follows:

1. The authority citation for Part 11 continues to read as follows:

Authority: 15 U.S.C. 1823, 1924, 1925, and 1928; 44 U.S.C. 3506.

2. Section 11.2 is amended by revising paragraph (b)(8) to read as follows:

§ 11.2 Prohibitions concerning exhibitors.

* * * * *

(b) * * *

(8) Pads or other devices on yearling horses that elevate or change the angle of such horses' hooves in excess of 1 inch at the hell.

* * * * *

Done in Washington, D.C., this 19th day of October, 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88–24471 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 80475–8204]

U.S. Trade in Services; Revisions in Requirements for Exemption From Reporting in the BE–29 Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This notice sets forth the final rule to revise the exemption requirements for the annual BE–29 survey of foreign ocean carriers' expenses in the United States. The survey is mandatory and is conducted pursuant to the International Investment and Trade in Services Survey Act.

This final rule amends 15 CFR Part 801, as amended. It implements changes in exemption criteria requested by U.S. agents that represent foreign ocean carriers in the United States.

EFFECTIVE DATE: The rules will be effective November 23, 1988, beginning with reports covering 1988. Reporting forms will be mailed to respondents in early January and will be due March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Anthony J. Di Lullo, Assistant Chief, Balance of Payments Division (BE–58), Bureau of Economic Analysts, U.S. Department of Commerce, Washington, DC 20230; Phone (202) 523–0621.

SUPPLEMENTARY INFORMATION:

Background

In the July 14, 1988 **Federal Register**, Volume 53, No. 135 (53 FR 26603), BEA published a notice of proposed rulemaking to change the exemption criteria for reporting in the BE–29 survey of foreign ocean carriers' expenses in the United States. Two sets of comments were received which resulted in a change in wording to clarify the exemption criteria, as noted below. With the exception of this change, the final rule is the same as the proposed rule.

The changes in the exemption criteria were prompted by requests from four regional associations of steamship agents and ship owners and brokers. The associations said that agents were expending excessive amounts of time in searching records to detemine whether they were exempt from reporting.

The revision in the "Exemption" section will reduce the amount of time expended by agents to determine eligibility for exemption from reporting by introducing alternative criteria. Some association members suggested that small agents (agents that were not major representatives of foreign ocean carriers) would probably handle less than forty port calls per year by foreign ocean carriers, and it is simpler to count the number of port calls by foreign ocean carriers that the agent handled than to tabulate the expenses of foreign carriers it handled to determine exemption eligibility. Thus, the revised criteria exempt an agent from reporting if the agent handled less than forty port calls by foreign ocean carriers or total covered expenses were less than $250,000 in a given year. If an agent handled forty or more port calls by foreign ocean carriers, then the agent must report unless total expenses were less than $250,000. Also, agents are no longer required to conduct a manual search of records. The determination of whether an agent handled more than $250,000 in port call expenses of foreign ocean carriers may be based on the judgment of knowledgeable persons in the agent's firm who can identify such transactions without conducting a manual search of records. Previously, the sole criterion for exemption was that covered expenses must be less than $500,000.

During the public comment period on the proposed rule, the New Orleans Steamship Association and the West Gulf Maritime Association requested clarification of the exemption criteria. In addition, the West Gulf Maritime Association requested raising of the dollar-level exemption to $500,000. In response to the request for clarification, the reporting instructions were changed to "is exempted * * * if the total number of port calls * * * is less than 40 or covered expenses are less than $250,000" from "is exempted * * * if the total number of port calls * * * is less than 40 and covered expenses are less than $250,000." The exemption level was not raised to $500,000, as requested, because coverage would be inadequate.

The public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, search existing sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate, including suggestions for reducing the burden, may be sent to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of commerce, Washington, DC 20230; and to the Office of Information and Regulatory Affairs, Office of Management and budget, Washington, DC 20505.

Executive Order 12291

BEA has determined that this final rule is not "major" as defined in E.O. 12291 because it is not likely to result in:

(1) An annual effect on the economy of $100.0 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12612

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

Paperwork Reduction Act

The collection of information requirements in this final rule has been approved by OMB through September 30, 1991 (OMB No. 0608-0012).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to preparation of an initial regulatory flexibility analysis are not applicable to this rulemaking because it will not have a significant economic impact on a substantial number of small entities. The exemption levels were revised to ensure that small businesses are excluded from reporting.

Accordingly, the General Counsel, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, Reporting and recordkeeping requirements, Services.

Dated: September 29, 1988.

Allan H. Young,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, 15 CFR Part 801 is amended as follows:

PART 801—[REVISED]

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961, as amended.

2. Section 801.9(b)(1)(ii) is revised to read as follows:

§ 801.9 Reports required:

(b) * * *

(1) * * *

(i) * * *

(ii) *Exemption.* Any U.S. person otherwise required to report is exempted from reporting if the total number of port calls by foreign vessels handled in the reporting period is less than forty or total covered expenses are less than $250,000. For example, if an agent handled less than 40 port calls in a calendar year, the agent is exempted from reporting. If the agent handled 40 or more calls, the agent must report unless covered expenses for all foreign carriers handled by the agent were less than $250,000. The determination of whether a U.S. person is exempt may be based on the judgment of knowledgeable persons who can identify reportable transactions without conducting a detailed manual records search.

* * * * *

[FR Doc. 88-24500 Filed 10-21-88; 8:45 am]

BILLING CODE 3510-06-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

Exemptions from Speculative Position Limits for Positions Which Have a Common Owner But Which are Independently Controlled and for Certain Spread Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") the Commission has determined to adopt as final the proposed rules (53 FR 13290, April 22, 1988) regarding the exemption from speculative position limits for positions which have a common owner but which are

independently controlled, with several modifications. The rules have been modified somewhat, however, to permit certain affiliated persons the opportunity to demonstrate that they are in fact independent and should be treated as though they were non-affiliated for the purpose of this exemption and to permit the exemption to be avaiable in the context of exchange-set speculative position limits during the spot month in those contracts which do not have an individual month speculative position limit. In this regard, the Commission will consider broadening the scope of who may apply for the exemption and whether the exemption should be available in the spot month for additional contracts by the end of calendar year 1989. The Commission will revisit these issues with a view towards granting further relief based on its experience in administering the exemptive program, any relevant experiences of the exchanges in administering their exemptive programs, and any other factors the Commission finds to be relevant to these issues.

The Commission also is adopting as final the proposed rules (53 FR 23411, June 22, 1988), regarding certain spread positions. As adopted, these rules specify that spread or arbitrage positions between futures and option contracts may be exempt pursuant to exchange rules provided that such positions are outside of the spot month. The rules also provide a new exemption for spread or arbitrage positions between single months of a futures contract traded on the same board of trade outside of the spot month and in the same crop year. The latter exemption is available only to the extent that such positions, when combined with any outright positions, do not exceed twice the single-month speculative position limit for the applicable futures contract.

EFFECTIVE DATE: November 23, 1988.

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, 20581, (202) 254–3201 or 254–6990, respectively.

SUPPLEMENTARY INFORMATION:

I. Background

A. Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to average 1.03 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Joseph G. Salazar, CFTC Clearance Officer, 2033 K Street NW., Washington, DC 20581; and to Bob Neal, Office of Management and Budget, Room 3228, NEOB, Washington, DC 20503.

B. Statutory Framework

Speculative position limits have been a tool for the regulation of futures markets for over half a century. During this time, the Congress consistently has expressed confidence in the use of speculative position limits as an effective protection against unreasonable or unwarranted price fluctuations. *See,* H.R. Rep. No. 421, 74th Cong., 1st Sess. 1 (1935). *See also,* H.R. Rep. No. 624, 99th Cong., 2d Sess. 44 (1986).

In this regard, section 4a(1) of the Commodity Exchange Act ("Act"), 7 U.S.C. 6a(1), states that:

> [e]xcessive speculation in any commodity under contracts of sale of such commodity for future delivery made on or subject to the rules of contract markets causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity.

Accordingly, the Congress provided the Commission with the authority to

> fix such limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the Commission finds are necessary to diminish, eliminate, or prevent such burden.[1]

As the Commission has stated previously, and various of the commenters agreed, effective enforcement of speculative position limits is dependent, in part, on a clear understanding of what positions are to be included in determining whether the applicable limit has been breached. The Congress recognized this requirement by including within section 4a of the Act a standard for the aggregation of futures positions. In particular, section 4a(1) provides that

> [i]n determining whether any person has exceeded such limits, the positions held and trading done by any persons directly or indirectly controlled by such person shall be included with the positions held and trading done by such person; and further, such limits upon positions and trading shall apply to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by or the trading were done by, a single person.

In 1968, the Congress amended the language of the aggregation standard to include positions "held by" one trader for another. Pub. L. 90–258, Sec. 2, 82 Stat. 26 (1968). The Senate Report accompanying the 1968 amendment stated that:

> [a]ll of the changes made by this section incorporate longstanding administrative interpretations reflected in orders of the [Commodity Exchange] Commission.

S. Rep. No. 947, 90th Cong., 2 Sess. 5 (1968).[2]

C. Regulatory Framework

As detailed in the Notice of Proposed Rulemaking relating to positions having a common owner, the Commission periodically has reviewed its policies pertaining to speculative position limits. 53 FR at 13291. Most recently, the Commission revised Federal speculative position limits, adding Federal limits for soybean meal and soybean oil and amending the structure and levels of speculative position limits.[3] 52 FR 38914 (October 20, 1987). As part of that restructuring, the Commission deleted an exemption from the speculative position limit for certain spread positions in cotton futures. Moreover, the Commission noted that it was studying issues related to its aggregation policy, the remaining area to be addressed during its ongoing reevaluation of speculative position limit policy.

D. Existing Commission Policy on Aggregation

In 1979, the Commission issued its Statement of Policy on Aggregation of Accounts and Adoption of Related Reporting Rules ("1979 Aggregation Policy"), 44 FR 33839 (June 13, 1979). In that interpretation, the Commission provided guidance to futures commission merchants ("FCMs") and others regarding the aggregation of positions for participants in controlled and guided account programs.

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[1] 7 U.S.C. 6a(1). See also, 17 CFR Part 150, for the Commission rules fixing such limits.

[2] Prior to the creation of the Commission, section 4a(1) had long been the subject of interpretative statements issued by the Administrator of the Commodity Exchange Authority. *See* 44 FR 33843 (June 13, 1979) for a discussion of these interpretative statements.

[3] In addition to Federal speculative position limits which apply to futures contracts in many domestic agricultural commodities, speculative position limits for all other futures and for all option contracts are set by the exchanges under Commission Rule 1.61.

Specifically, the 1979 Aggregation Policy provided guidance with respect to the meaning of the "control" criterion of the aggregation standard contained in section 4a of the Act, assuming that FCMs control all discretionary customer accounts and accounts which are part of a customer trading program "unless specified conditions indicative of the absence of control exist." [4]

E. History of Spread Exemptions

1. Futures/Option Spreads

In establishing a pilot program for exchange-trade options of futures contracts on domestic agricultural commodities, the Commission adopted an exemption for Federal speculative position limits for futures/option spreads.[5] Such an exemption was necessary because the Federal speculative position limits were adopted during a period in which no options on these contracts were permitted due to a statutory bar. When the statutory bar was lifted and such option contracts were designated, exchanges were required to set the speculative position limits on such option contracts under Commission Rule 1.61, 17 CFR 1.61 (1988). In order to permit spread positions between the Federal and exchange-set speculative position limits regarding these contracts, the Commission provided an exemption from Federal speculative position limits, pursuant to Commission-approved exchange rules. 49 FR 36825 (September 20, 1984).

As the Commission explained in adopting these rules, it intended to review carefully exchange rules subsequently submitted for Commission approval. 49 FR 36827. The Commission further indicted that such exchange rules must provide that the exempt spread or arbitrage positions be limited to futures/option positions on the same board of trade in the same commodity which, as a totality, would be offsetting. As the Commission then explained, a delta-equivalent system of evaluating futures/option spread positions is an appropriate means of fulfilling this criterion where there is a "specific, readily enforceable system for identifying and monitoring those positions which are delta-neutral." *Id.* Further, the Commission advised that such exchange rules must provide for a limitation on the size of futures positions which can be acquired in connection with a futures/option spread or arbitrage exemption. 49 FR 36828.

The Commission also advised that such spreads be confined to cases where both legs pertain to the same delivery month in the underlying futures contract. 49 FR 36827. Subsequently, however, the Commission approved exchange rules which required the legs of such spread positions only to be in the same crop year, rather than in the same delivery month. Although the Commission was persuaded that such rules provided an appropriate level of market protection while offering traders greater trading flexibility, this relaxation inadvertently created the possibility that spread positions might be used to enter into futures positions in the spot month that are in excess of spot-month speculative position limits. This could occur if the option leg of the spread were in a more distant month.[6] Such an unintended outcome is contrary to the fundamental policies and objectives of Federal speculative position limits which specifically provide for spot-month limits.

2. Futures/Futures Spreads

As noted above, the Commission recently adopted final rules that extensively revised Federal speculative position limits. 52 FR 38914. Among these revisions, the Commission made several technical amendments, including deleting a straddle or spread exemption unique to the rules for the cotton futures market. That rule provided that the speculative position limits in cotton futures

> shall not be construed to apply * * *, except during the delivery month, [to] the net positions in any one future to the extent that they are shown to represent straddles between cotton futures or markets.

17 CFR 150.2(b) (1988).

In deleting the cotton spread exemption, the Commission noted that this particular exemption appeared to have been added in response to the statutory definition of hedging which pre-dated the 1974 amendments to the Act. 52 FR 38919. The Commission further noted that in light of its determination to amend Commission Rule 1.3(z)(2) to enumerate specifically as a bona fide hedging sales and purchases of futures which offset unfixed cash sales and purchases and in light of the increase in cotton speculative position limits, deletion of the spread exemption would have little impact on traders. The Commission received few comments concerning this proposed action. Accordingly, the Commission determined to delete the spread exemption, noting that it had

> carefully considered the potential benefits of inter-month spread positions versus the potential for disruption of the market if such positions become unusually large, especially where such positions are across different crop years, and the fact that the majority of existing spread positions would be accommodated by the proposed increases in the speculative position limits. On the basis of these considerations, the Commission has determined to adopt these proposed amendments as final.

53 FR at 23412, citing 52 FR 38919–20.

F. Requests for Commission Reassessment of Current Policies

1. Aggregation Policy

Representatives of certain segments of the futures industry, such as commodity pool operators and commodity trading advisors, have brought to the Commission's attention issues concerning the application of the aggregation standard to managed trading accounts. In this regard, it should be noted that such issues were also raised before the Congress during the Commission's 1986 reauthorization.[7]

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[4] These conditions include, among others: Account opening agreements which vest authority in a trader other than the FCM to direct trading on behalf of the customer; advertising which indicates that a trader other than the FCM directs trading in a specified trading program; agreements between the FCM and other traders which demonstrate the nature of the relationship between the two; the degree of supervision by the FCM of independent traders; confidentiality of trading decisions of a customer trading program from others; lack of access to general research information of the FCM; minimal financial interests by the FCM in the independent accounts; and lack of common trading patterns. 44 FR 33843–44.

[5] Exchange-traded commodity options on other than domestic agricultural commodities were initially permitted under a three-year pilot program. 46 FR 54500 (November 3, 1981). Subsequently, a separate pilot program was established for options on futures contracts on domestic agricultural commodities, those commodities enumerated in section 2(a)(1)(A) of the Act, 7 U.S.C. 2 (1982). This second pilot program followed the repeal of the statutory bar to such option trading found in section 4c of the Act, 7 U.S.C. 6c (1978). This statutory bar was repealed during the Commission's 1982 reauthorization. *See*, section 206 of the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2204, 2301 (1983).

[6] Options on the domestic agricultural futures subject to Federal speculative futures limits expire prior to the first notice day of the underlying future. Accordingly, when spread exemptions for options and futures are confined to the same month, it would not be possible to use the exemption to exceed the spot-month limits. However, where such spreads are confined only to the same crop year, it is possible that such spreads could result in spot-month positions in excess of the spot-month limit.

[7] During the Commission's 1986 reauthorization, the House of Representatives reported that: [d]uring the Subcommittee hearings on reauthorization, several witnesses expressed dissatisfaction with the manner in which certain market positions are aggregated for purposes of determining compliance with speculative limits fixed under section 4a of the Act. The witnesses suggested that, in some instances, aggregation of positions based on ownership without actual control unnecessarily

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These concerns focus on the "ownership" criterion of the aggregation standard.
H.R. Rep. No. 624, 99th Cong. 2d Sess. (1986) at page 43.

In addition, the Commission received from the Managed Futures Trade Association and the Chicago Board of Trade petitions for rulemaking to modify the existing aggregation standard. After carefully considering these Petitions, the Commission determined that

> [b]oth ownership and control have long been included as the appropriate aggregation criteria in the Act and Commission regulations. Generally, inclusion of both criteria has resulted in a bright-line test for aggregating positions. And as noted above, although the factual circumstances surrounding the control of accounts and positions may vary, ownership generally is clear.
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> The present aggregation standard aids futures traders in classifying positions which must be aggregated by establishing a clear standard for enforcement of the speculative position limits. In the absence of an ownership criterion in the aggregation standard, each potential speculative position limit violation would have to be analyzed with regard to the individual circumstances surrounding the degree of trading control of the positions in question. This would greatly increase uncertainty.

53 FR at 13292.

However, the Commission further determined that some relief in this area was appropriate. Although the Commission determined not to alter its long-standing interpretation of the Act's aggregation standard, it proposed an exemption from Federal speculative position limits for certain independently controlled positions of commodity pools or similar entitles. This exemption was proposed to be available upon application to the Commission and subject to a case-by-case determination. 53 FR 13290.

2. Spread Exemptions

As with the Commission's aggregation policy, the Commission received a petition to rulemaking with respect to futures/futures spreads. Specifically, the New York Cotton Exchange, ("NYCE"), by letter dated March 16, 1988, petitioned the Commission to restore an exemption from the Commission's speculative position limit rules for cotton for positions spread between two futures months of that contract. The NYCE supported its petition on the grounds that the spread exemption it was proposing was limited to futures months in the same crop year and outside of the spot month, thereby addressing the concerns raised by the Commission in connection with the deletion of the prior exemption. 53 FR 23412. Moreover, similar exemptions exist for exchange speculative position limit rules with no apparent adverse effects. Subsequently, the Commission proposed to adopt the substance of this exemption as a general rule applicable to all Federal speculative position limits.

restricts a trader's use of the futures and options markets. In this connection, concern was expressed about the application of speculative limits to the market positions of certain commodity pools and pension funds using multiple trading managers who trade independently of each other.

II. The Proposed Rulemakings

A. Provisions of the Proposed Rules

1. Exemption for Independently Controlled Positions

The Commission proposed to provide an exemption from speculative position limits for positions held in the separate accounts of independent account controllers of a commodity pool operator or the operator of a trading vehicle which is excluded, or which has itself qualified for exclusion, from the definition of "pool" or "commodity pool operator," respectively, under Commission Rule 4.5, 17 CFR 4.5 (1988) ("Rule 4.5 entity"). The Commission proposed that the exemption be made available upon a case-by-case determination prior to the time when an applicant exceeds speculative position limits. As proposed, the exemption would apply only to positions outside of the spot-month. The Commission would approve applications for exemption conditioned upon the levels appropriate for each particular contract market, consistent with the Act's objectives of maintaining fair and orderly markets. In no event, however, could the position held or controlled by each independent account controller exceed the applicable speculative position limit.

The Commission proposed that independent account controllers be required to be Commission registrants and to be unaffiliated with any other trading entity. Thus, under the proposed rules, for example, an independent account controller could not be an employee of the commodity pool operator applying for the exemption nor could the account controller have an employment or other contractual relationship with any other commodity trading advisor trading for the commodity pool. The Commission specifically requested comment on this aspect of the rule.

The Commission proposed that to obtain the exemption, the applicant commodity pool operator or Rule 4.5 entity must file with the Commission certain supporting documents, including notarized affidavits of the applicant and the independent account controller detailing the delegation of trading control to the independent account controller and the relationship of the account controller to other independent account controllers. In addition, supporting documents such as powers of attorney, account opening documents, and updated CFTC Form 40s were proposed to be required.

Finally, the Commission proposed that it have the authority, in its discretion, to approve, deny, approve upon conditions, or rescind approval of applications previously approved by the Commission. The Commission noted that such authority permitted it to "condition its approval to specific contract markets or to a specified overall level." 53 FR 13294. The Commission further proposed that subject to the requirement that applications be updated to reflect material changes, or upon special call from the Commission, exemptions which have been granted will remain in force as long as the conditions noted on the applications continue to exist. Finally, the Commission proposed to delegate to the Director of the Division of Economic Analysis or the Director's delegee the authority to act upon applications for exemptions and to issue related special calls.

2. Exemptions for Certain Spread Positions

With respect to futures/futures spreads, the Commission proposed to provide an exemption from speculative position limits for positions between individual futures months within the same crop year outside of the spot month. The higher spread limit proposed by the Commission would be for spread positions up to twice the current speculative position limit level for outright positions in each single month, with the single month's speculative position limit applicable to any outright positions in that future. As proposed, any outright positions would have to be combined with the spread positions in that month in calculating whether the overall position exceeds twice the single-month level. The Commission, however, proposed that this exemption generally be available for all futures contracts having Federal speculative position limits and not merely to cotton futures.

With respect to futures/option spreads, the Commission proposed to clarify that such positions must be outside of the spot month of the future to be eligible for exemption from Federal position limits pursuant to exchange rules. As explained in the Notice of Proposed Rulemaking, the Commission

determined, when approving exchange speculative position limits on options on futures which are subject to Federal speculative position limits, to permit such spreads when the legs of each spread position were confined to the same crop year, rather than the same delivery month. The greater flexibility subsequently demonstrated by the commission in approving exchange rules created the anomalous situation that the spread exemption could possibly be viewed as a means of evading spot-month futures limits. As the Commission noted, at 53 FR 23413,

> while no instances of such spot-month futures/option spread positions in excess of the spot month futures level have occurred, the Commission nevertheless believes that exchange rules should specifically prohibit the use of such spread exemptions for spot month futures positions.

B. Comments Received

1. Exemption for Independently Controlled Positions

The Commission received thirty-nine comments in response to its proposed rulemaking for an exemption from speculative position limits for independently controlled positions. Two comments were received from trade associations representing commodity pool operators and other commodity professionals. Thirty comments were filed in support of the comments of one of these trade associations. Three exchanges, two attorneys with commodity futures-related practices and a commercial market participant also filed comments. Commenters overwhelmingly supported the proposed rules; several noted that they welcomed the Commission's initiative in addressing these issues. Many of the commenters specifically supported the Commission's determination to make the exemption available on a case-by-case determination.

Certain of the commenters, however, took exception with the Commission's definition of independent account controller and with the entities eligible for the exemption. In general, commenters objected to particular aspects of the rules as proposed. These objections are discussed in greater detail below. In addition, in response to the Commission's request for comments in the Notice of Proposed Rulemaking, several commenters suggested that sufficient procedures could be implemented to provide affiliates, including employees with the same degree of independence as non-affiliated persons. In addition, several commenters opined that the exemption should be available to additional entities and for positions in the spot month as well as the more distant months. Several also suggested that the exemption be self-executing, so that filing of the application would be sufficient to invoke the exemption without specific individual approval of each application by the Commission. Finally, one commenter suggested that the Commission use the Disclosure Document filed by commodity pool operators under Commission Rule 4.21 rather than require a separate application for purposes of this exemption.

2. Spread Exemptions

The Commission received three comments on the proposed rules for spread positions. The three consisted of a trade association of commercial users, a commercial user of the cotton futures market and an exchange. The three commenters generally supported the proposed rules, with the exception of the exchange which voiced several concerns as discussed below.

III. The Final Rules

A. Exemption for Independently Controlled Positions

1. Eligibility for Exemption

The Commission proposed to define those entities eligible for the exemption as commodity pool operators or the operator of a trading vehicle which is excluded, or which has qualified for exclusion, from the definition of "pool" or "commodity pool operator," respectively, under Commission Rule 4.5. Several commenters maintained that the exemption should be available to any entity which has "sophisticated institutional structures." Others would exempt any entity which has "multiple affiliates, subsidiaries and/or separate departments" or which has independent "profit centers." One commenter stressed the "growing participation in the futures and options markets of institutions such as commercial banks, investment banks, insurance companies, pension funds, futures commission merchants and broker/dealers" and opined that the exemption should be applicable to those entities as well as others.

The Commission is aware of the growing use of the futures markets by institutional users. Although the initial calls for reconsideration of the aggregation standard came from the commodity pool operator community, including, specifically, the petition for rulemaking discussed above, the Commission's proposal expanded the coverage to those entities included under Commission Rule 4.5. Commission Rule 4.5 covers certain pooled offerings of many of the entities referred to by commenters as entities which should be covered by an expanded exemption. The entities specifically enumerated in § 4.5 are investment companies registered under the Investment Company Act of 1940, insurance companies subject to the regulation of any state, bank trust companies or any other such financial depository institution subject to regulation by any state or the United States, and trustees or named fiduciaries of pension plans, with certain exceptions. *See* 17 CFR 4.5(a)(1988).[8]

The Commission has carefully considered the request of commenters that the entities eligible for this exemption be broadened. However, the Commission has determined that a more cautious approach is warranted at this time. First, the exemption appears already to cover many of the classes of institutions specifically mentioned by commenters as needing relief. In this regard, the Commission received no comments directly from such institutions suggesting that they should be included within a broadened exemptive category. Second, commenters differed sharply with respect to their expectations of how many trading entities may avail themselves of this exemption. Accordingly, some initial period for study and reflection of the effect and operation of the rule is appropriate. Therefore, the Commission will determine whether the scope of the eligibility for the exemption should be broadened by the end of calendar year 1989. This will provide the Commission with a reasonable opportunity to ascertain how the exemptive procedure is operating, to study further the trading of commodity pools and others and to determine, based upon actual experience with the rules, what, if any, additional information may be required for a broadened exemption.

2. Definition of Independent Account Controller

Several commenters objected that the definition of independent account controller was overly restrictive. In particular, commenters suggested that

[8] Although such entities generally hold positions of a hedging nature, and therefore should have no need for this exemption from speculative position limits, certain of these entities may prefer to avail themselves of this exemption for administrative or other reasons. Moreover, as the Commission noted in the Notice of Proposed Rulemaking, in proposing this exemption from speculative position limits for the operators of Rule 4.5 trading vehicles, the Commission has not sought to expand upon the criteria of the rule nor to disturb any existing relief from position limits that may be available to these persons.

the requirement that independent account controllers be unaffiliated with the commodity pool operator or other entity requesting the exemption and with other independent account controllers should be modified. These commenters stated that the proposed regulations are sufficient to safeguard the independence of account controllers, even where they are affiliated with the applicant or with other account controllers. One commenter opined that "the combined positions of such a pool [using employees considered as independent account controllers] have no more coordinated influence on market prices and are no more likely to cause unwarranted price movements or other adverse market effects than positions established by other, independent 'unaffiliated' account controllers." Commenters also suggested that affiliates for purposes of this exemption are analogous to associated persons of an FCM who, under Rule 1.46(d), may be deemed to be unaffiliated where specified criteria have been met.[9] Similarly, under Commission Rule 18.01, FCMs are not required to aggregate positions controlled by their employees who operate independent guided account programs. That rationale, several commenters maintained, should be extended to this exemption.

One commenter, in response to the Commission's request for specific comments in the Notice of Proposed Rulemaking, suggested that employees of commodity pool operators and commodity trading advisors could be deemed to be unaffiliated where the employee or affiliate is independently registered, has separate trading authority, trades pursuant to a system which is demonstrably independent both on an initial showing and over time, and where sufficient screening procedures exist which insulate an affiliated controller from receiving information about the trades of others.

The Commission has considered carefully the comments received with regard to this requirement. In general, the Commission continues to believe that independent account controllers in order to be exempt should be unaffiliated with the commodity pool operator or other trading entity, and all other account controllers including other employees of the same futures commission merchant. Such a requirement provides a bright-line test which can be applied clearly both by the Commission and by those seeking exemptions. However, in connection with its existing aggregation policy discussed above and with Commission Rule 1.46, the Commission has recognized that in certain instances employees of FCMs meeting specified criteria can be deemed to be unaffiliated. In light of this experience, and the individualized nature of the determination to grant applications for this exemption, the Commission, in adopting the final rules, has added a provision permitting an applicant to demonstrate that where an account controller is affiliated, either with a second account controller or as an employee of a commodity pool operator, sufficient indicia of independence nevertheless exist to deem such an account controller to be "unaffiliated" for purposes of this exemption.

The indicia of independence which the staff will evaluate include the following, as well as all other relevant factors:

(1) Screening procedures. Written procedures must be in place which are designed to preclude the affiliated account controller from gaining access to, or receiving data about, the trades of others. These must include document-routing procedures and other factors intended to maintain the independence of the controller's activities. The applicant should include a description of the physical location of the affiliated account controller as well as other security arrangements and procedures for screening the controller from information regarding both the trading strategies and individual positions of others;

(2) Registration and marketing. As with unaffiliated independent account controllers, an affiliate must be registered separately from the employer, must use a separate Disclosure Document and must market his or her trading program separately; and

(3) Trading system. Finally, if requested by the Commission, the affiliated independent account controller must be able to demonstrate, through a history of simulated or actual trading, that the affiliate's trading system is independent from that of the applicant or any other of the applicant's account controllers.

It must be emphasized that nothing in this approach affects the liability of registrants under section 2(a)(1) of the Act. Clearly, employees or agents trading pursuant to this relief are acting withing the scope of their employment or agency relationship. It also must be emphasized that nothing in this approach affects a registrant's responsibility under Commission Rule 166.3, 17 CFR 166.3 (1988), diligently to supervise the "handling by its partners, officers, employees and agents * * * of all commodity interest accounts carried * * * and all other activities * * * relating to its business as a Commission registrant." Thus, any procedures adopted to meet the above criteria to be deemed to be "non-affiliated" must be consistent with the applicant's duty diligently to supervise. Moreover, any determination to treat such entities as unaffiliated is based on the representations of the applicant and is limited in application to this exemption. Such a finding in no way affects the entities' responsibilities and obligations under the Act and Commission rules.

By adding this provision the Commission has broadened the approach of the proposed rule by permitting evidence to counter the presumption that affiliated account controllers *per se* lack independence. However, the Commission remains convinced that the lack of affiliation is an important criterion in establishing independence and that affiliates bear a heavy burden in otherwise demonstrating their independence. Moreover, applicants must demonstrate that they remain able to discharge their duty under Commission Rule 166.3 to supervise their employees in light of the arrangements and procedures they have adopted to provide affiliated controllers with the independence necessary to qualify for this exemption. Accordingly, the rule, as adopted, permits applicants to rebut the presumption that their affiliates are not independent and therefore do not qualify for this exemption. It should be clear, however, that the burden is a rigorous one and is borne by the applicant.

3. Applicability of Exemption to the Spot Month

Several of the commenters objected to the exemption's inapplicability to positions held during the spot month. These commenters opined that unless the exemption applied to positions in the spot month, many exempt entities would be required to maintain costly internal administrative procedures. This, they maintained, would lessen the benefit of the rule, or possibly compromise the independence of traders by requiring a third party to direct traders to reduce spot-month positions. Others contended that the provision would result in independent account controllers not being able to trade efficiently. One commenter suggested that the Commission's position should be modified at least with respect to contracts which are cash settled.

[9] *See* 53 FR 609, 611 (January 11, 1988).

The Commission has traditionally taken a cautious approach with regard to spot-month speculative position limits. In proposing that the exemption apply to positions outside of the spot month, the Commission was mindful that specific spot-month limits are provided in order to alleviate concerns regarding congestion and other problems attendant to the shortages of deliverable supplies at the expiration of the contract. However, the Commission notes that the absence of position limits for individual trading months indicates the absence of these regulatory concerns in some cases such as certain financial futures which are cash settled or physical delivery contracts with very broad deliverable supplies (*e.g.*, foreign currencies). Accordingly, the Commission has determined to modify this requirement. The rule, as adopted, provides that the exemption shall apply in the spot month for those contracts which do not have individual month speculative position limits.[10] By permitting the exemption to apply in the spot month for those contracts, the Commission will have an opportunity to study this issue further based upon actual trading experience. Accordingly, the Commission has determined to revisit this issue by the end of calendar year 1989 in conjunction with its review of the potential broadened scope of eligibility for the exemption.

4. Partial Exemptions

Several commenters suggested that the Commission clarify whether the exemption would be available to a commodity pool operator or other entity which had both independent account controllers and affiliated employees controlling trading for the pool. Under these rules, applicants must provide documentation for each independent account controller for which an exemption is claimed and must specify the particular contract markets for which the exemption is sought. The intent of the rules as proposed was to permit the applicant to obtain exemptions beyond the speculative position limits for the additional positions of independent account controllers. Thus, nothing in the rules would bar the pool operator from itself controlling positions up to the applicable speculative position limits through the use of a variety of affiliated traders while filing for exemption for its independent account controllers.

As the Commission noted in the Notice of Proposed Rulemaking, it may condition its approval to specific contract markets or to a specified overall level. Accordingly, the Commission may deny an application for exemption for a particular contract market where the Commission determines that the contract market is too illiquid or otherwise constrained to grant the application. Moreover, were a commodity pool operator or other eligible entity to seek approval for multiple independent account controllers which caused the Commission concerns because of the potential size of the overall positions, the Commission could grant the applicant commodity pool operator exemption for some fraction of the amount of contracts for which the exemption was being sought.

5. Application Process

Several commenters suggested that the application should be self-executing and that the Commission should not review and approve each application. They contended that such an approval process is unnecessary and administratively burdensome. Other commenters, however, suggested that the number of such applications should not be voluminous and supported the Commission's determination to review applications on a case-by-case basis. More importantly, the issues concerning control of trading are dependent upon the circumstances of each individual case. This is especially true in light of the Commission's determination to permit employees or other affiliates to demonstrate that specific conditions and procedures exist to rebut the presumption that affiliated account controllers do not possess the requisite independence to qualify for this exemption. That is not to say, however, that a self-executing application procedure could never be instituted; however, the Commission believes that a more cautious approach is warranted at this time. Accordingly, the Commission is adopting the final rules as proposed and will review all applications, making an individual determination with regard to each application filed.[11]

One commenter suggested that the Disclosure Documents required of registered commodity pool operators under Commission Rule 4.21 be substituted for the application required under the proposed rules. However, not all entities who are eligible for the exemption are required to file such Disclosure Documents. For example, entities eligible for the exemption include those which are exempt from commodity pool operator registration by virtue of an exclusion from the commodity pool operator definition under Commission Rule 4.5. Moreover, in order to aid the processing of these exemptions on a timely basis, the Commission believes that a uniform format for the application is desirable. Accordingly, the Commission is requiring that the application be in the form proposed. Nevertheless, commodity pool operators filing Disclosure Documents under Commission Rule 4.22 may include such Disclosure Documents as part of the application, making reference to the appropriate pages in the Disclosure Documents which fulfill any of the documentation requirements of these rules.[12]

One commenter pointed out that the proposed rules did not provide specific procedures to be followed in applying for this exemption. For example, the Commission did not specify when such applications should be filed. Several commenters suggested that since the initial Disclosure Document required of commodity pool operators must be filed twenty-one days before its use, applications for this exemption should be required to be filed at the same time.

The suggestion that the application for exemption for independent account controllers be filed at the same time as the pool's initial disclosure document has merit. However, although the Commission would expect many commodity pools to follow this practice, it has determined not to adopt it as a procedural requirement. First, as noted above, entities exempt from commodity pool registration by virtue of a definitional exclusion also may apply for this exemption. Second, some applicants may wish to file an application for exemption at a time slightly in advance of, or following, the

[10] This modification of the exemption has no immediate impact on its application in those commodities with Federal speculative position limits since Commission rules specify individual trading month limits for all such contracts. However, exchange-set speculative position limits for some contract markets do not specify limits for individual trading months during contract expiration and in those cases exchanges would be permitted, in adopting exemptions similar to the Commission's, to apply the exemption in this manner.

[11] One commenter noted that with respect to the requirement that affidavits be used, 28 U.S.C. 1746 permits the filing of declarations whenever an affidavit is required. Clearly, applicants are free to make use of declarations when filing their applications with the Commission.

[12] In this regard, a commenter suggested that documents equivalent to certain of the requirements of the application are generally included as exhibits to registration statements filed with the Securities and Exchange Commission for publicly-offered pools. Of course, these also can be submitted to fulfill these requirements.

filing of the Disclosure Document. In this regard, a commenter suggested that if the Commission fails to act upon an application within the twenty-one day period discussed above the exemption should become effective automatically. The Commission disagrees. In those cases where particular aspects of an application for exemption raise questions needing further clarification, so that the approval process is delayed, an automatic exemption would be inappropriate. Accordingly, the Commission believes that until it gains experience with the processing of these applications, it is not advisable to provide for such applications to become effective automatically.[13]

Finally, one commenter suggested that the standard of review for applications was unclear. In this commenter's view, a determination on the application should be limited to whether or not the application was complete. As the Commission noted above, it may approve applications with conditions as well as disapprove such applications. Accordingly, the Commission, in reviewing applications, will be guided by the overall policies and purposes of the Act and of section 4a of the Act in particular. The Commission will review applications to determine whether, on their face, the applicant has carried the burden of demonstrating the independence of its account controllers. The Commission will then take into consideration whether there is any other reason why the application should not be granted or approved upon conditions. As noted in the proposed rules, a denial or approval upon conditions of applications for exemption will be accompanied by a brief statement of the grounds of denial or conditions.

6. Guideline to the Exchanges

The Commission in its Notice of Proposed Rulemaking requested comment regarding whether there should be any modifications to this exemption when applied by the exchanges in the context of their speculative position limits. The Commission received no specific responses to this request. Moreover, two exchanges submitted for approval under section 5a(12) of the Act rules providing for exemptions from their speculative position limit rules similar to the one being adopted herein. These exchange exemptions were submitted pursuant to Commission Rule 1.61(e), 17 CFR 1.61(e). The Commission, after reviewing these proposed exchange rules, approved them under section 5a(12) of the Act on August 17, 1988. Accordingly, with the exception of the applicability of the exemption during the spot month for those contracts without individual month speculative position limits, there appears no need for exchange deviation from these final rules nor for any additional guidance to the exchanges beyond the template provided herein.

B. Spread Exemptions

The Commission received three comments with regard to the proposed rules for spread exemptions. Two were supportive. One commenter, a futures exchange, while supporting the concept of the futures/futures spread exemption argued that the limitation on the exemption, twice the current outright position limit, is not large enough. That commenter suggested that "a level larger than two times the outright position limit would enhance the ability of individuals to supply speculative capital in times of demand."

In proposing this limitation on the exemption, the Commission stated that

> in arriving at this configuration of the proposed spread exemption, the Commission has taken into consideration the number of such spread positions which are potentially constrained by the current limits. Further, the Commission believes that this level of exemptions in individual months will assure that such positions will not become unusually large and thereby pose a potential for disruption of the market. Of course, it should be noted that in proposing this level the Commission has taken into consideration recent revisions to individual speculative position limit levels.
>
> 53 FR at 23412–23413.

The Commission remains convinced of the appropriateness of this level for the exemption and is adopting the final rule as proposed.

With regard to the futures/option exemption, the commenter questioned the need for the rule. The commenter noted that "no traders have seen fit to avail themselves of this exemption * * *." Nevertheless, the commenter further contended that the effect of the adoption of this rule would be disruptive to the markets due to its "telescoping feature."

The Commission disagrees that adoption of this rule will be disruptive. As the Commission noted in its Notice of Proposed Rulemaking, the use of a futures/option spread to evade spot-month speculative position limits was made possible by the liberalization of the futures/option exemption. This rule simply clarifies the common understanding that the spot-month speculative position limits for these commodities is absolute. As the commenter has noted, no trader has yet attempted to make use of this apparent loophole. Accordingly, the Commission believes that adopting this rule should have no impact on trading in the market.

IV. Related Matters

A. The Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* requires that agencies, in proposing rules, consider the impact of these rules on small businesses. The Commission has previously determined that contract markets and "large traders" are not "small entities" for purposes of the RFA. 47 FR 18618 (April 30, 1982). These rules are exemptions from limits on the size of speculative positions which typically may be held by the largest traders in these markets. Accordingly, as promulgated, these rules would not have a significant economic impact on a substantial number of small entities. Moreover, the Commission invited comments from any firms or other persons which believed that the promulgation of these rules might have a significant impact upon their activities. No such comments were received. For the above reasons, and pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

B. The Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* ("PRA"), imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA. In compliance with the PRA, the Commission previously submitted this rule in proposed form and its associated information collection requirements to the Office of Management and Budget ("OMB"). OMB approved the collection of information associated with the rule on June 3, 1988 and assigned OMB control No. 3038–0013 to the rule.

Copies of the OMB approved information collection package

[13] Although the Commission has determined not to adopt the suggestion that it require that its decision on an application be made within a twenty-one day notice period, the Commission nevertheless will instruct its staff, for those applications identified as being filed in conjunction with the filing of an initial disclosure document under Commission Rule 4.21, to endeavor to make the necessary determinations within the twenty-one day period. However, more complex applications for exemption may take a longer period for a determination, and those applying for an exemption may consult with staff on issues which may be raised by their application in advance of the filing of such an application.

associated with this rule may be obtained from Bob Neal, Office of Management and Budget, Room 3220, NEOB, Washington, DC 20503 (202) 395-7340.

List of Subjects in 17 CFR Part 150

Aggregation of accounts, Agricultural commodities, Exemption from speculative position limits, Position limits.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act, and in particular sections 2(a)(11), 4a and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 4a(j), 6a, 12a(5), the Commodity Futures Trading Commission hereby proposes to amend Part 150 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 150—LIMITS ON POSITIONS

1. The authority citation for Part 150 continues to read as follows:

Authority: 7 U.S.C. 6a and 12a(5)(1982).

2. Section 150.1 is amended by adding a paragraph (d) to read as follows:

§ 150.1 Definitions.

As used in this part—

* * * * *

(d) An "independent account controller" means a person—

(1) Who specifically is authorized by a commodity pool operator, or the operator of a trading vehicle which is excluded, or which has qualified for exclusion from the definition of the term "pool" or "commodity pool operator," respectively, under § 4.5 of this chapter, independently to control trading decisions on behalf of, but without the day-to-day direction of, such commodity pool operator or excluded person;

(2) Over whose trading the commodity pool operator or excluded person maintains only such minimum control as is consistent with its fiduciary responsibilities and necessary to fulfill its duty to supervise diligently the trading done on its behalf;

(3) Who is unaffiliated with, and trades independently of, the commodity pool operator or excluded person on whose behalf the trading is done and of any other independent controller trading for that commodity pool operator or excluded person; and

(4) Who is registered as a futures commission merchant, introducing broker, commodity trading advisor, or as an associated person of any such registrant.

3. Section 150.3 is revised to read as follows:

§ 150.3 Exemptions.

(a) Positions which may exceed limits. The position limits set forth in § 150.2 of this part may be exceeded to the extent such position are:

(1) *Bona fide* hedging transactions as defined in § 1.3(z) of this chapter;

(2) Spread or arbitrage positions between futures and option contracts traded on the same board of trade in any one commodity, for positions outside of the spot month, which are as a totality offsetting, and upon such conditions as specified by the board of trade in rules adopted pursuant to §§ 1.61 and 1.41 of this chapter;

(3) Spread or arbitrage positions between single months of a futures contract traded on the same board of trade outside of the spot month, in the same crop year; *provided however,* that such spread or arbitrage positions, when combined with any outright positions in the single month, do not exceed twice the single-month position limit for the futures contract set forth in § 150.2 of this part; or

(4) Carried for a commodity pool operator, or the operator of a trading vehicle which is excluded, or which has qualified for exclusion from, the definition of the term "pool" or "commodity pool operator," respectively, under § 4.5 of this Chapter, in the separate account or accounts of an independent account controller which has been approved by the Commission under paragraph (b) of this section, and are not in the spot month if there is a position limit which applies to individual trading months during their expiration; *Provided however,* that the overall positions held or controlled by each such independent account controller may not exceed the limits specified in § 150.2 of this part.

(b) Application for Exemption of Independent Account Controllers. Any commodity pool operator or the operator of a trading vehicle which is excluded, or which has qualified for exclusion, from the definition of the term "pool" or "commodity pool operator," respectively, under § 4.5 of this chapter, who directly or indirectly holds but does not control positions in contract markets having speculative position limits set forth in § 150.2 of this part, may file with the Commission an application for exemption from those limits for the positions controlled by an independent account controller.

(1) *Filing the application.* Such applications shall be made to the Commission's Washington Office, Attention: Division of Economic Anlaysis, unless otherwise directed by the Commission or its delegee, and must include the following:

(i) An affidavit, duly notarized, of the applicant identifying each independent account controller and stating that each named independent account controller has been delegated authority to trade the account without further, specific day-to-day direction of trading decisions and that the applicant maintains only such minimum control as is necessary to fulfill its fiduciary responsibilities and its duty to supervise diligently the trading by the independent account controllers. If the applicant is an organization, the affidavit must be that of a partner, officer or trustee authorized by the organization to bind the organization;

(ii) An affidavit, duly notarized, of each independent account controller certifying that the controller in fact exercises authority with respect to directing the trading of the account, is unaffiliated with the applicant or any other independent account controller of the applicant, and does not have knowledge of trading decisions by any other account controller; or

(A) If affiliated, the circumstances of the affiliation that demonstrate why the account controller nevertheless is, in fact, sufficiently independent to be treated as unaffiliated for purposes of this section. In the case of such account controllers which are affiliated, the affidavits shall contain a description of the written procedures in place to preclude such account controllers from gaining access to, or receiving data about, trades of other account controllers, including a description of document routing procedures, the physical location of such account controllers and other procedures or security arrangements which would maintain the independence of their activities. In addition, the affidavits concerning such account controllers which are affiliated shall certify that such trading has been solicited by a separate Disclosure Document that meets the standards of § 4.21 of this chapter and has been separately marketed from that of the applicant; and

(iii) Documents supporting the above affidavits including:

(A) A list of the contract markets having speculative position limits in § 150.2 of this part for which the exemption is requested;

(B) A binding power of attorney or other such binding grant of authority memorializing the relationship between the applicant and each independent account controller;

(C) Proof of registration with the Commission of each independent account controller or a list of each such person's category of registration,

registration identification number, effective date of registration and name of the registrant if different from that on the application;

(D) Account opening documents verifying that the independent account controller maintains a separate account for such trading;

(E) Updated Form 40s of the independent account controller and owner, as required by § 18.04 of this Chapter, unless such forms have been filed with the Commission under separate cover; and

(F) Any additional information required by the Commission which, in light of the circumstances of the application, appears necessary to demonstrate the nature of the relationship between the owner and independent account controller.

(2) *Approval of Application for Exemption for Independent Account Controllers.* The Commission may remit and not accept for filing incomplete applications. In its discretion, based upon the application and any other relevant factors, the Commission may approve, deny or approve upon conditions applications for exemptions from the speculative position limits set forth in § 150.2 of this part. Commission denial or approval upon conditions of such an application for exemption shall be accompanied by a brief statement of the grounds for denial or imposition of conditions. Commission approval of such an application may be withdrawn or modified at any time. Withdrawal or modification of a previously granted approval of such an exemption shall be accompanied by a brief statement of the grounds for withdrawal or modification.

(3) *Supplementation and updating of applications.* To remain valid, applications must be supplemented or updated:

(i) Ten days prior to changes in independent account controllers, the ownership or control of the accounts, or the registration status of the account owners or independent account controllers;

(ii) Within ten days of any other material change in the application; or

(iii) Within such time as may be specified by the Commission upon special call by the Commission to the applicant.

(4) *Delegation of Authority.* (i) The Commodity Futures Trading Commission hereby delegates, until the Commission orders otherwise, to the Director of the Division of Economic Analysis or the Director's delegee the authority to remit and not accept for filing incomplete applications, to approve, deny, approve upon conditions, withdraw approval or modify applications for exemption filed under § 150.3 of this part, and to issue special calls to supplement and update such applications.

(ii) The Director of the Division of Economic Analysis may submit any matter which has been delegated to the Director under paragraph (b)(4)(i) of this section to the Commission for its consideration.

(iii) Nothing in this section prohibits the Commission, at its election, from exercising the authority delegated to the Director of the Division of Economic Analysis under paragraph (b)(4)(i) of this section.

Issued in Washington, DC, this 18th day of October 1988, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88-24472 Filed 10-21-88; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, and 631

Job Training Partnership Act; Economic Dislocation and Worker Adjustment Assistance Act; Employment Training Services to Dislocated Workers

AGENCY: Employment and Training Administration, Labor.

ACTION: Interim final rule; request for comments.

SUMMARY: The Department of Labor is issuing interim final regulations with a request for comments to implement provisions of the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), which amends portions of the Job Training Partnership Act (JTPA) and substitutes a completely new Title III. EDWAA was enacted as Subtitle D of Title VI of the Omnibus Trade and Competitiveness Act of 1988. JTPA Title III establishes programs of employment and training assistance for dislocated workers. These interim final regulations comply with the statutory requirement that regulations be published by November 1, 1988. At the same time, they provide the opportunity for comment. All implementation actions which must be completed prior to the publication of final regulations should be consistent with these regulations. Modification of the JTPA regulations is necessary to incorporate the revisions contained in the amended legislation.

DATES: *Effective Date:* November 1, 1988.

Comments: Written comments on the interim final rule are invited. Comments will only be accepted on those portions of the regulations which are affected by these changes. Comments must be received on or before November 23, 1988.

ADDRESS: Written comments shall be mailed to the Assistant Secretary for Employment and Training, Department of Labor, Room N4703, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs. Commenters wishing acknowledgement of receipt of their comments must submit them by certified mail, return receipt requested.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs. Telephone: (202) 535-0577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 23, 1988, the Omnibus Trade and Competitiveness Act, including Title VI, Subtitle D, the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), was enacted. (Pub. L. 100-418, 102 Stat. 1107.) Existing provisions of Title III of the Job Training Partnership Act were replaced by EDWAA.

Rulemaking History

On October 13, 1982, the President signed the Job Training Partnership Act, Pub. L. 97-300 (JTPA or the Act).

It is the purpose of the Act to establish programs to prepare youth and unskilled adults for entry into the labor force; and to afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment.

Title I of the Act sets forth general requirements for programs under the Act, as well as some requirements for State operation of programs under the Act. Title II of the Act provides requirements for State operation of adult and youth programs under the Act. Title III of the Act provides for operation of State programs of employment and training assistance for dislocated workers. Title IV provides requirements for special programs for targeted groups, such as Native Americans and migrant farmworkers; as well as for the Job Corps, veterans and other specialized programs.

Amendments to JTPA were enacted in the Job Training Partnership Act

Amendments, Pub. L. 97–404 (December 31, 1982); the Carl D. Perkins Vocational Education Act, Pub. L. 98–524 (October 19, 1984); the Job Training Partnership Act Amendments of 1986, Pub. L. 99–496 (October 16, 1986); and the Homeless Eligibility Clarification Act, Title XI of the Anti-Drug Abuse Act of 1986, Pub. L. 99–570 (October 27, 1986). See also Section 713(b) of Pub. L. 99–159, National Science, Engineering, and Mathematics Authorization Act of 1986, which contains technical amendments to the Carl D. Perkins Vocational Education Act which, in turn, amend JTPA.

Final regulations promulgated by the Department of Labor (the Department or DOL) to implement the provisions of the Act were published in the **Federal Register** at 48 FR 11078 (March 15, 1983); 48 FR 48753 (October 20, 1983); 48 FR 49198 (October 24, 1983); and 48 FR 52438 (November 18, 1983). See 20 CFR Parts 626–636 and 684 (1988).

These regulations have been amended by **Federal Register** publication on three additional occasions: on April 26, 1985, at 50 FR 16473, as corrected on June 13, 1985, at 50 FR 24764; on August 29, 1986, at 51 FR 30856; and on February 12, 1988 at 53 FR 4262.

Discussion of Interim Final Rule

The Department of Labor is issuing interim final regulations with a request for comments to implement provisions of the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), which amends portions of the Job Training Partnership Act (JTPA) and substitutes a completely new Title III. EDWAA was enacted as Subtitle D of Title VI of the Omnibus Trade and Competitiveness Act (OTCA) of 1988. JTPA Title III establishes programs of employment and training assistance for dislocated workers. These interim final regulations comply with the statutory requirement that regulations be published by November 1, 1988. At the same time, they provide the opportunity for comment. All implementation actions which must be completed prior to the publication of final regulations should be consistent with these regulations. Modification of the JTPA regulations is necessary to incorporate the revisions contained in the amended legislation.

It is important to note that the provisions of EDWAA related to employment and training assistance for dislocated workers and other changes were enacted as amendments to the Job Training Partnership Act. Thus, as is the case with existing regulations, provisions of the JTPA regulations in Parts 626, 627, 628, and 629 which apply generally to JTPA programs including Title III, or which apply specifically to Title III are applicable to the amended Title III program unless revised herein. In numerous cases, as reflected in the following interim final regulations, it has been necessary to revise sections of the existing regulations particularly in Parts 626, 627, 628, and 629 to reflect provisions of the new legislation.

It is the Department's intent in developing these regulations to provide substantial responsibility and discretion to States in developing policy and implementing procedures for this new legislation. Thus, in many instances in these regulations, responsibility for certain decisions is vested in the State or in substate areas.

It is the Department's plan to separately issue reporting instructions and instructions for establishing and adjusting Title III performance standards. Both sets of instructions will be published as notices for comment in the **Federal Register**. Copies will be made available to States by issuance of Training and Employment Information Notices (TEINs).

In publishing the interim final rule, certain JTPA general regulatory provisions of Parts 628 and 629 have been revised to reflect their applicability or non-applicability to EDWAA programs, including additions where necessary to correspond to the provisions of the new Part 631. These changes are summarized below. Statutory citations to JTPA also have been incorporated throughout the various sections of these parts.

Section 626.4 includes an expanded definition of "substate grantee" to indicate that the substate grantee is the entity that receives Title III funds for a substate area directly from the Governor.

Section 627.4, which deals with the establishment and responsibilities of the State Job Training Coordinating Council (SJTCC), has been revised by adding a reference to section 317 of the Act. This section of the Act contains the new responsibilities of the SJTCC for Title III programs.

In addition, EDWAA amends section 122(a)(3) of the Act to establish a new membership composition for the SJTCC. The membership is to be composed of 30 percent business and industry representatives, 30 percent State and local government and local education representatives, 30 percent organized labor and community-based organization representatives, and 10 percent representation from the general public. In a case in which the substate area is a State, Governors are expected to consider the new composition and responsibilities of the SJTCC where such council, or portion thereof, is being reconstituted to form the private industry council.

Section 628.2 has been revised to add two new paragraphs (d) and (e) which reflect the private industry councils' participation in the designation of substate grantees and their role in reviewing substate plans under Title III.

Section 629.1(e) has been changed to incorporate a new reference to 29 CFR Part 97 which supercedes 41 CFR Part 29–70.

Section 629.3 has been revised to indicate that the nondiscrimination provisions in section 167 of the Act and the prohibition regarding sectarian activities in section 167(a) of the Act apply to Title III substate grantees.

A new § 629.4 has been added to set forth in the regulations certain labor standards of particular significance to Title III programs and which reflect concerns raised in the enactment of EDWAA. These provisions prohibit assistance in the relocation of establishments when such relocation will result in an increase in unemployment in the original location or any other area, and the displacement of employees by participants.

Section 629.21(a) has been revised to indicate that the needs-based payment provisions apply only to Title II. Similar provisions that apply to Title III are contained at § 631.20.

Section 629.33 has been revised to indicate that the insurance provisions apply to Title III substate grantees.

Section 629.35(e) has been amended to indicate that the period of records retention for all JTPA records is three years from the last date authorized for expenditure of funds allotted to a State for a given program year, as set forth at section 161(b) of JTPA. This amendment is necessary to ensure that such records exist and are available for the purposes of JTPA audits.

Section 629.36 has been revised to indicate that the semiannual reporting provisions of this section apply only to Titles I and II. The reporting provisions that apply to Title III are set forth at § 631.15.

Section 629.37(b) has been changed to incorporate a new reference to 29 CFR Part 97 which supercedes 41 CFR Part 29–70.

Section 629.38 has been changed to indicate that the classification of costs provisions of this section no longer apply to Title III except for the provisions of § 629.38(e)(2). The provisions that apply to Title III in this regard are set forth at § 631.13.

Section 629.39 has been changed to indicate that the provisions of this section on limitations on certain costs no longer apply to Title III programs. The provisions that apply to Title III in this regard are set forth in § 631.14.

Section 629.40 has been changed to reflect that there is no matching requirement for Title III, as amended by EDWAA.

Section 629.42 has been changed to indicate that the audit provisions of this section also apply to Title III substate grantees.

Section 629.44 has been changed to indicate that the sanctions for violations of the Act provisions of this section also apply to Title III substate grantees.

Section 629.46 has been changed to indicate that the performance standards provisions of this section apply to Title III, except that the provisions of paragraph (c)(2) of this section pertaining to the imposition of a reorganization plan for failure to meet performance standards for two consecutive years does not apply to Title III. The Department will issue, in advance of each program year, guidance on specific values for required standards.

In addition, the provisions of Part 629, Subpart D, "Grievances, Investigations, and Hearings," apply to Title III of JTPA. The provisions of various sections of this subpart have been changed to indicate that where provisions apply to SDA grant recipients, they also apply to Title III substate grantees.

In addition to revisions and additions to administrative provisions, these regulations contain a revised Part 631, which will replace all of existing Part 631 for programs beginning July 1, 1989. Following is a brief discussion of revised Part 631.

Scope and Purpose

Section 631.1 reflects the mandate of EDWAA to establish a new worker readjustment program serving dislocated workers as part of the overall effort to increase American workers' skills, thereby improving American competitiveness into the 21st Century.

The new program seeks to establish an early readjustment capacity for workers and firms in each State; to provide comprehensive coverage to workers regardless of the cause of dislocation; to provide early referral from the unemployment insurance system to adjustment services as an integral part of the adjustment process; to foster labor, management and community partnerships with government in addressing worker dislocation; to emphasize retraining and reemployment services rather than income support; to create an ongoing substate capacity to deliver adjustment services; to tailor services to meet the needs of individuals; to improve accountability by establishing a system of mandated performance standards; to improve financial management by monitoring expenditures and reallotting available funds; and to provide the flexibility to target funds to the most critical dislocation problems.

Definitions

In addition to definitions contained in sections 4, 301, and 303(e) of the Act, as amended, and § 626.4 of the JTPA regulations, an additional definition is added at § 631.2 for "substantial layoff." This new definition is based upon the definition of "mass layoff" as contained in the recently enacted Worker Adjustment and Retraining Notification Act, Pub. L. 100–379, 102 Stat. 890 (August 4, 1988).

Participant Eligibility

Section 631.3 sets forth participant eligibility criteria for Title III, including regulations required by section 301(a)(1)(D) of the Act, regarding economic conditions and natural disasters under which self-employed individuals are eligible for employment and training assistance. Certain sections which provided guidance on the eligibility of self-employed individuals have been eliminated in order to shorten and simplify these regulations.

This section also indicates that services will be provided to displaced homemakers under Title III only if the Governor determines that the services may be provided without adversely affecting the delivery of services to eligible dislocated workers. Services provided to displaced homemakers should be part of ongoing programs and activities authorized under Title III and not separate and discrete programs.

Section 631.3 also sets forth the eligibility criteria for workers issued a certificate of continuing eligibility and the conditions of eligibility for dislocated workers not issued such certificates.

Approved Training Rule

Section 631.4 provides that participation by an eligible individual in a program authorized under Title III of the Act or Part 631 is deemed to be acceptance of training with the approval of the State for the purposes of other Federal law relating to unemployment benefits.

Allotment and Reallotment of Funds by the Secretary

Section 631.11 provides for allotment of funds to States and to the Commonwealth of the Northern Mariana Islands and other territories and possessions of the United States.

Section 631.12 provides for reallotment of unexpended funds. The revised Title III provides that the limitation on carryover of funds shall apply to the program year beginning July 1, 1988, but for that year only the amount available for reallotment is the amount equal to the amount by which the unexpended balance of the State formula allotment at the end of the program year exceeds 30 percent of the formula allotment. Thereafter, the amount will be the amount which exceeds 20 percent.

Classification of Costs at State and Substate Levels

Section 631.13 provides that for the new Title III program, all costs shall be charged against one of the allowable cost categories. These categories apply only to the Title III program which becomes effective on July 1, 1989. In the rapid response category, staff-related costs are chargeable only to the extent that staff are engaged in rapid response activities; all other costs charged to this category must be solely for rapid response activities. This section also describes activities chargeable to administration.

Limitations on Certain Costs

Section 631.14 describes cost limitations applicable to Title III. The Governor is required to prescribe criteria under which substate grantees may apply for a waiver to expend less than 50 percent (but not less than 30 percent) of substate funds for training.

Note that provisions of § 629.39 have been revised to delete all references to Title III.

Federal Reporting Requirements

Section 631.15 describes reporting requirements applicable to Title III. In order to comply with new statutory requirements regarding federal oversight and mandatory reallotment, quarterly financial reporting will be required for the first two program years. More frequent data collection will result in a reduced need for actual reallotment in the initial years of the program.

Complaints, Investigations and Penalties

Section 631.16 provides, in accordance with the amended Title III, for investigation of complaints and for

remedies in instances in which it is determined that the State plan is not followed.

Federal by-pass Authority

Section 631.18 describes the authority and the responsibilities of the Secretary in the exercise of Federal by-pass authority.

Appeals

Section 631.19 describes the appeal provisions for activities under Title III. Decisions on the designation of Title III substate grantees are not appealable to the Secretary.

Needs-related Payments

Section 631.20 both provides eligibility criteria for and establishes maximum weekly amounts for needs-related payments. Eligibility criteria address both workers who qualify for unemployment insurance and workers who do not qualify. Needs-related payments will be made only in accordance with the State or substate plan and within cost limitations established at § 631.14.

State Dislocated Worker Unit

Section 631.30 provides for the designation or creation and functions of the State dislocated worker unit or office. While the regulations outline the activities of the State unit, the effective functioning of such an office is seen by the Department as the key element in a successful State employment and training program for dislocated workers. Provision of rapid response is a major element in the overall responsibilities of this office, but key to the overall functioning of a successful program will be the authority and responsibility to effectively coordinate services to affected workers, arranging for immediate services and providing technical assistance to substate grantees.

An important responsibility of the office will be the development and maintenance of contacts with employee groups and the employer community, particularly employers in industries or locations which may be vulnerable to employment loss. Close liaison with employee groups, employer organizations, chambers of commerce, State and local economic development agencies, private industry councils, veterans' service organizations and related organizations is essential.

In instances in which a dislocation event occurs, the office must have the capability to quickly approach the affected employer and workers and offer initial services, including assistance in the establishment of labor-management committees.

It is essential that among the staff of such an office, there be individuals with experience and credibility in the employer and employee communities who can effectively work with employers and employees in difficult situations.

Monitoring and Oversight

Section 631.31 provides that the Governor is responsible for oversight of substate grantee activities. This is viewed as an important function to assure that substate programs are operated in accordance with the Act, regulations, State plans and State guidance.

Allocation of Funds by the Governor

Section 631.32 provides for allocation of funds to substate areas by the Governor. As provided in the amended legislation, the Governor shall prescribe the formula for substate planning allocations. Not less than 50 percent of the State allotment must be allocated by formula. The formula must use information on all six areas specified in § 631.32(b)(1) and may add other elements as the State deems necessary and appropriate. The weight to be assigned to each element, be it a mandatory element or an element developed by the State, is to be determined by the Governor. If data already exist that reflect the formula needs, new data need not be collected to meet the requirements of this provision.

This section also provides that the Governor may reserve up to 40 percent of the State allotment for State activities and for discretionary allocation to substate grantees. An additional 10 percent of the State allotment may be reserved, to be allocated among substate grantees on the basis of need during the first nine months of the program year.

State Procedures for Identifying Funds Subject to Mandatory Federal Reallotment

Section 631.33 provides that the Governor must establish procedures identifying funds subject to mandatory reallotment. Such procedures may not exempt either State or substate funds from such consideration.

Designation of Substate Areas

Section 631.34 provides for designation of substate areas. The Act provides that the Governor must designate as a substate area any JTPA service delivery area (SDA) with a population of 200,000 or more and any concentrated employment program grantee. The Governor must also designate any two or more contiguous SDAs that in aggregate have a population of 200,000 or more and that request designation unless the Governor determines that such a designation would be consistent with the effective delivery of services or would be otherwise inappropriate.

Designation of Substate Grantees

Section 631.35 provides for designation of substate grantees. Substate grantees will be selected through negotiations among the Governor, the Private Industry Council, and the local elected official. The regulations provide that when a substate area is represented by more than one elected official or PIC, they shall designate representatives who shall negotiate together with the Governor an agreement on designation of substate grantees. If, and only if, an agreement cannot be reached, the Governor will select the substate grantee. Decisions made on the designation of substate grantees are not matters appealable to the Secretary, in the same way that decisions on the designation of SDA grant recipients and administrative entities are not appealable to the Secretary.

Biennial State Plan

Section 631.36 provides for a biennial State plan which shall be developed in accordance with instructions issued by the Secretary. In accordance with § 631.70(c) the initial plan shall be for a period of one year. The initial plan shall then be modified to incorporate sections applicable for the subsequent biennial period.

Coordination Activities

Section 631.37 describes the types of agencies and organizations with which the dislocated worker unit or office is to exchange information and coordinate programs, activities and services. Coordination and effective use of information and services between programs is essential to effective and successful program administration.

State By-pass Authority

Section 631.38 describes the authority and responsibility of the Governor in the exercise of State by-pass authority.

State Program Operational Plan

Section 631.40 provides for submission biennially of a State program operational plan which describes the activities, programs and projects to be accomplished with funds reserved by the Governor. It is envisioned that this

will be a detailed operational plan and will contain specific activities and projects.

Allowable State Activities

Section 631.41 describes activities and services upon which funds reserved by the Governor may be expended.

Substate Plan

Section 631.50 describes procedures for development and submission of substate plans, for review and comment on such plans by the SJTCC, review and approval by the Governor, and for appeals in the event of disapproval. Substate plans are submitted to the Governor and appeals are submitted to the Secretary, except in the case where the substate area is the State. In this instance, such plans are submitted to the Secretary and appeals of disapproval in whole or in part are submitted to DOL's Office of Administrative Law Judges.

Allowable Substate Program Activities

Section 631.51 describes activities and services upon which funds allocated to a substate area may be expended.

Selection of Service Providers

Section 631.52 indicates that the substate grantee has the responsibility for providing authorized Title III services within the substate area, pursuant to the approved plan. The substate grantee may provide such services directly or may select service providers to do so.

Certificates of Continuing Eligibility

Section 631.53 provides for alternative methods by which substate grantees may provide retraining services through issuance of certificates of continuing eligibility. Such certificates are effective for the period specified in the certificate, not to exceed 104 weeks. It is envisioned that certificates of continuing eligibility may be used in two distinct ways. First, workers may receive a certificate and defer the beginning of retraining services. This will be particularly useful where dislocated workers opt for immediate employment and defer a decision on retraining. Second, workers may use a certificate to obtain their own retaining services through alternative service providers approved by the substate grantee.

Eligibility for dislocated workers not issued such certificates is covered in § 631.3.

Implementation of the Regulations

In accord with section 6305(f) of the OTCA, these regulations are effective on November 1, 1988, and are applicable to Fiscal Year 1989 appropriations and to programs beginning July 1, 1989 and to actions, plans, and procedures required at the Federal, State and substate levels to plan for and implement programs beginning July 1, 1989.

EDWAA specifically provides that funds appropriated for Fiscal Year 1989 or any preceding year may be used for planning and implementation of the EDWAA amendments.

Statutory requirements and regulations previously in effect for Title III continue to apply to pre-Fiscal Year 1989 funds and activities for Program Year 1988 and prior years except to the extent that the Secretary specifically provides for the use of such funds for implementation activities.

Publication as an Interim Rule

This document is published as an interim final rule, with a 30-day comment period. EDWAA was enacted on August 23, 1988. Congress mandated in section 6305(f) of EDWAA that the Secretary of Labor prescribe regulations implementing the statute no later than November 1, 1988. Section 6305(c) EDWAA makes the law's mandated membership changes for the State Job Training Coordinating Councils effective on January 1, 1980; and section 6305(a) of EDWAA makes the law's revision of JTPA Title III effective on July 1, 1989.

Due to the complexity of the task of revising the JTPA Title III regulations, the requirements of the rulemaking review process, the short statutory timeframe for prescription of regulations, and the need to provide JTPA recipients with sufficient advance notice of the new regulations to prepare for implementation in 1989, the Department of Labor for good cause has found, pursuant to 5 U.S.C. 553(a)(B), that publication of a notice of proposed rulemaking for these regulations is impracticable, unnecessary, and contrary to the public interest. On the same bases, the Department has determined, pursuant to 5. U.S.C. 553(d)(3), that there is good cause to publish the interim final rule less than thirty days before its effective date.

Nevertheless, the Department is requesting comments on the interim final rule for thirty days after its publication, and plans to respond to those comments and publish a final rule prior to EDWAA's general effective date of July 1, 1989.

Regulatory Impact

The interim final rule implements certain provisions of the Economic Dislocation and Worker Adjustment Assistance Act. As it would not have the financial or other impact to make it a major rule, preparation of a regulatory impact analysis is unnecessary. See Executive Order No. 12291, 5 U.S.C. 601 note.

The Department of Labor has certified to the Chief Counsel for Advocacy, Small Business Administration, that pursuant to 5 U.S.C. 605(b), the rule would not have a significant economic impact on a substantial number of small entities. No significant economic impact would be imposed by the rule.

Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act, all new information collection requirements imposed by these regulations will be submitted to the Office of Management and Budget for approval.

Catalog of Federal Domestic Assistance Numbers

These programs are listed in the Catalog of Federal Domestic Assistance at No. 17–246, "Employment and Training Assistance-Dislocated Workers" (JTPA Title III, Programs); and No. 17–250, "Job Training Partnership Act (JTPA)" (JTPA Titles I and II, Programs).

List of Subjects in 20 CFR Parts 626, 627, 628, 629, and 631

Grant programs, Labor, Manpower training programs, Dislocated worker programs.

Interim Final rule

Accordingly, Chapter V of Title 20, Code of Federal Regulations is amended, as follows:

1. Part 626 is revised to read as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Authority: 29 U.S.C. 1579(a); Sec. 6305(f), Pub. L. 100–418, 102 Stat. 1107

§ 626.1 Scope and purpose of the Act.

It is the purpose of the Act to:

(a) Establish programs to prepare youth and unskilled adults for entry into the labor force; and

(b) Afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment (section 2).

§ 626.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the provisions of the Act are set forth in Parts 626 through 638 of Title 20 of the Code of Federal Regulations, with the exception of Jobs Corps regulations, which are set forth in Part 684 of Title 20.

(b) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32 and will be administered by the DOL Directorate of Civil Rights.

(c) General authority for the regulations is found at section 169 of the Act. Specific statutory authorities other than section 169 are noted throughout the regulations.

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

The table of contents for the regulations under the Job Training Partnership Act, Parts 626–638 and 684, is as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures

627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nondiscrimination and nonsectarian activities.
629.4 Labor standards.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitations on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout. [Reserved]
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administration and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

630.1 Adult and youth programs under Part A of Title II.
630.2 Summer youth employment and training programs under Part B of Title II.

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

631.1 Scope and purpose.
631.2 Definitions.
631.3 Participant eligibility.
631.4 Approved training rule.

Subpart B—Additional Title III Administrative Standards and Procedures

631.11 Allotment and obligation of funds by the Secretary.
631.12 Reallotment of funds by the Secretary.
631.13 Classification of costs at State and substate levels.
631.14 Limitations on certain costs.
631.15 Federal reporting requirements.
631.16 Complaints, investigations, and penalties.
631.17 Federal monitoring and oversight.
631.18 Federal by-pass authority.
631.19 Appeals.

Subpart C—Needs-Related Payments

631.20 Needs-related payments.

Subpart D—State Administration

631.30 Designation or creation and functions of a State dislocated worker unit or office and rapid response assistance.
631.31 Monitoring and oversight.
631.32 Allocation of funds by the Governor.
631.33 State procedures for identifying funds subject to mandatory federal reallotment.
631.34 Designation of substate areas.
631.35 Designation of substate grantees.
631.36 Biennial State plan.
631.37 Coordination activities.
631.38 State by-pass authority.

Subpart E—State Programs

631.40 State program operational plan.
631.41 Allowable State activities.

Subpart F—Substate Programs

631.50 Substate plan.
631.51 Allowable substate program activities.
631.52 Selection of service providers.
631.53 Certificate of continuing eligibility.

Subpart G—Federal Delivery of Dislocated Worker Services

631.60 General.
631.61 Application for funding and selection criteria.

Subpart H—Transition Provisions

631.70 Special provisions for program startup.

PART 632—INDIAN AND NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS

Subpart A—Introduction

632.1 [Reserved]
632.2 Scope and purpose.
632.3 Format for these regulations.
632.4 Definitions.

Subpart B—Designation Procedures for the Native American Grantees

632.10 Eligibility requirements for designation as a Native American grantee.
632.11 Designation of Native American grantees.
632.12 Alternative arrangements for the provision of services, nondesignation.
632.13 Review of denial of designation as a Native American grantee, or rejection of a comprehensive annual plan.

Subpart C—Program Planning, Application and Modification Procedures

632.17 Planning process.
632.18 Regional and national planning meetings.

632.19 Grant application content.
632.20 Submission of grant applications.
632.21 Application disapproval.
632.22 Modification of a Comprehensive Annual Plan (CAP) and/or Master Plan.
632.23 Termination and corrective action of a CAP and/or Master Plan.

Subpart D—Administrative Standards and Procedures

632.31 General.
632.32 Financial management systems.
632.33 Audits.
632.34 Program income.
632.35 Native American grantee contracts and subgrants.
632.36 Procurement standards.
632.37 Allowable costs.
632.38 Classification of costs.
632.39 Administrative cost plan.
632.40 Administrative staff and personnel standards.
632.41 Reporting requirements.
632.42 Grant closeout procedures.
632.43 Reallocation of funds.
632.44 Sanctions for violation of the Act.

Subpart E—Program Design and Management

632.75 General responsibilities of Native American grantees.
632.76 Program management systems.
632.77 Participant eligibility determination.
632.78 Training activities.
632.79 Employment activities.
632.80 Other activities.
632.81 Payments to participants.
632.82 Benefits and working conditions for participants.
632.83 FICA.
632.84 Non-Federal status of participants.
632.85 Participant limitations.
632.86 Nondiscrimination and nonsectarian activities.
632.87 Equitable provision of services to the eligible population and significant segments.
632.88 General responsibilities of the Department.
632.89 Performance standards.

Subpart F—Prevention of Fraud and Progam Abuse

632.115 General.
632.116 Conflict of interest.
632.117 Kickbacks.
632.118 Nepotism.
632.119 Political patronage.
632.120 Political activities.
632.121 Lobbying activities.
632.122 Unionization and antiunionization activities; work stoppages.
632.123 Maintenance of effort.
632.124 Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations and other criminal provisions.
632.125 Responsibilities of Native American grantees, subgrantees and contractors for preventing fraud and program abuse and for general program management.

Subpart G—[Reserved]

Subpart H—Job Training Partnership Act Programs Under Title IV, Section 401

632.170 Eligibility for funds.
632.171 Allocation of funds.
632.172 Eligibility for participation in Title IV, Section 401.
632.173 Allowable program activities.
632.174 Administrative costs.

Subpart I—Summer Youth Employment and Training Programs

632.250 General.
632.251 Eligibility for funds.
632.252 Allocation of funds.
632.253 Special operating provision.
632.254 Program startup.
632.255 Program planning.
632.256 Submission of applications.
632.257 Eligibility for participation.
632.258 Allowable activities.
632.259 Vocational exploration program.
632.260 Worksite standards.
632.261 Reporting requirements.
632.262 Termination date for the summer program.
632.263 Administrative costs.

PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS

Subpart A—Introductory Provisions

633.102 Scope and purpose of Title IV, Section 402 programs
633.103 Format for these regulations.
633.104 Definitions.
633.105 Allocation of funds.
633.106 Eligibility for allocable funds.
633.107 Eligibility for participation in Section 402 programs.

Subpart B—Grant Planning and Application Procedures

633.201 Grant planning and application procedures in general.
633.202 Announcement of State planning estimates and invitation to submit a grant application.
633.203 Review of funding request.
633.204 Responsibility review.
633.205 Notification of selection.

Subpart C—Program Design and Administrative Procedures

633.301 General responsibilities.
633.302 Training activities and services.
633.303 Allowable costs.
633.304 Section 402 cost allocation.
633.305 General benefits and working conditions for program participants.
633.306 Retirement benefits.
633.307 Packages of benefits.
633.308 Non-Federal status of participants.
633.309 Recordkeeping requirements.
633.310 Bonding.
633.311 Management information systems.
633.312 Grantee contracts and subgrants.
633.313 Administrative staff and personnel standards.
633.314 Reports required.
633.315 Replacement, corrective action, termination.
633.316 Closeout procedures.
633.317 Reallocation of funds.
633.318 Nondiscrimination and nonsectarian activities.
633.319 Lobbying, political activities and unionization.
633.320 Nepotism.
633.321 Performance standards for Section 402 programs.
633.322 Sanctions for violation of the Act.

PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT

Comprehensive Labor Market Information System

634.1 General.
634.2 Availability of funds.
634.3 Eligible recipients.
634.4 Statistical standards.
634.5 Federal oversight.

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER THE TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

635.1 Scope and purpose.
635.2 Program administration.
635.3 Participant eligibility.

Subpart B—Program Funding

635.11 Availability of funds.
635.12 Eligibility for funds.
635.13 Application for funding.
635.14 Review of application for funding.
635.15 Approval of funding requests.

Subpart C—Program Design and Management

635.21 General.
635.22 Allowable activities.
635.23 Program management and performance standards.
635.24 Recordkeeping and reporting requirements.
635.25 Monitoring and oversight.
635.26 Grievance procedures.

PART 636—COMPLAINTS, INVESTIGATIONS AND HEARINGS

636.1 Scope and purpose.
636.2 Protection of informants.
636.3 Complaint and hearing procedures at the grantee level.
636.4 Grievance procedures at the employer level.
636.5 Exhaustion of grantee level procedure.
636.6 Complaints and investigations at the Federal level.
636.7 Subpoenas.
636.8 Initial and final determination; request for hearing at the Federal level.
636.9 Opportunity for informal review.
636.10 Hearings before the Office of Administrative Law Judges.
636.11 Final action.

PARTS 637-638—[RESERVED]

PART 684—JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Purpose and Scope

684.1 General.

Subpart B—Definitions

684.10 Definitions.

Subpart C—Funding, Site Selection and Facilities Management

684.20 Available funds.
684.21 Eligibility for funds and eligible deliverers.

684.22 Funding procedures.
684.23 Center performance measurement.
684.24 Site selection and facilities management.
684.24a Historical preservation.
684.25 Capital improvements.
684.26 Protection and maintenance of contract center facilities owned or leased by Job corps.
684.27 Facilities surveys.

Subpart D—Job Corps Participant Enrollment, Transfers, Terminations, and Placement

684.30 Recruitment and screening of corpsmembers.
684.31 Selection, assignment, and enrollment of corpsmembers.
684.32 Enrollment by readmission.
684.33 Transfers.
684.34 Extensions of enrollment.
684.35 Federal status of corpsmembers.
684.36 Terminations.
684.37 Exit procedures.
684.38 Certificate of attainment.
684.39 Transportation.
684.40 Placement and job development.

Subpart E—Center Operations

684.50 Reception and orientation.
684.51 Corpsmembers Handbook.
684.52 Job Corps basic education program.
684.53 Vocational training.
684.54 Occupational exploration program.
684.55 Scheduling of training.
684.56 Certification and/or licensing; academic credit.
684.57 Purchase of vocational supplies and equipment.
684.58 Work experience.
684.59 Leisure time employment.
684.60 Health care and services.
684.61 Physical standards and medical evaluation.
684.62 Ocular care.
684.63 Immunization.
684.64 Communicable disease control.
684.65 Dental care.
684.66 Pregnancy.
684.67 Mental health.
684.68 Drug use and abuse.
684.69 Sex-related issues.
684.70 Death.
684.71 Reporting critical medical situations.
684.72 Residential support services.
684.73 Recreation/avocational program.
684.74 Laundry, mail, and telephone service.
684.75 Counseling.
684.76 Intergroup relations program.
684.77 Incentives system.
684.78 Corpsmember government and leadership program.
684.79 Corpsmember welfare associations.
684.80 Evaluation of corpsmember progress (Maximum Benefits System).
684.81 Food service.
684.82 Allowances and allotments.
684.83 Clothing.
684.84 Tort and other claims.
684.85 Federal employees' compensation.
684.86 Social Security.
684.87 Income taxes.
684.88 Emergency use of personnel, equipment, and facilities.
684.89 Limitations on the use of corpsmembers in emergency projects.
684.90 Corpsmember absences.
684.91 Legal services to corpsmembers.
684.92 Voting rights.
684.93 Rights relative to religion.
684.94 Right to privacy.
684.95 Disclosure of information.
684.96 Disciplinary procedures and appeals.
684.97 [Reserved]
684.98 Cooperation with agencies and institutions.
684.99 Job Corps training opportunities for CETA grantees.

Subpart F—Applied Vocational Skills Training (VST) Through Work Projects at Civilian Conservation Centers (CCC's)

684.100 Applied vocational skills training (VST) projects.
684.101 Annual VST plans.
684.102 VST project proposals.
684.103 VST project review and approval.
684.104 Modification of approved VST projects.
684.105 Cancellation or deferment of approved VST projects.
684.106 VST budgeting.
684.107 Monitoring VST project progress.
684.108 Public identification of VST projects.
684.109 Supplementation of VST project funds.

Subpart G—Experimental Projects

684.110 Experimental projects.

Subpart H—Administrative Provisions

684.120 Program management.
684.121 [Reserved]
684.122 Staff training.
684.123 Corpsmember records management.
684.124 Safety.
684.125 Environmental health.
684.126 Security and law enforcement.
684.127 Job Corps forms and documents.
684.128 Property management and procurement.
684.129 Imprest and petty cash funds.
684.130 Contract center financial management and reporting.
684.131 CCC's financial management and reports.
684.132 Audit.
684.133 General reporting requirements.
684.134 Review and evaluation.
684.135 State taxation of Job Corps contractors.

Subpart I—[Reserved]

Subpart J—A-95 Procedures

684.140 Notification of intent.
684.141 Content and description of notification of intent.
684.142 Review and comment.

§ 626.4 Definitions.

In addition to the definitions contained in section 4 of the Act, the following definitions apply as appropriate to programs under Titles I, II, and III of the Act.

"Family" shall be defined by the Governor. An adult handicapped individual shall be considered a family of one when applying for programs under the Act (section 4(8)).

"Family income" shall be defined by the Governor, consistent with the definition of family income for other State administered needs-based programs.

"Participant" means any individual who has (a) been determined eligible for participation upon intake; and(b) started receiving employment, training, or services (except post-termination services) funded under the Act following intake. Individuals who receive only outreach and/or intake and initial assessment services or post-program followup are excluded from this definition.

"Recipient" means the Governor.

"SDA grant recipient" means the entity that receives JTPA funds for a service delivery area (SDA) directly from the Governor.

"Substate grantee" means that agency or organization selected to administer programs pursuant to section 312(b) of the Act. The substate grantee is the entity that receives Title III funds for a substate area directly from the Governor.

"Secretary" means the Secretary of Labor or the Secretary's designated representative(s).

"Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor. Depending on local circumstances, the Private Industry Council (PIC), local elected official, or administrative entity may be a subrecipient. SDA grant recipients and Title III substate grantees are particular types of subrecipients.

2. Part 627 is revised to read as follows:

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures

627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

Authority: 29 U.S.C. 1579(a); Section 6305(f), Pub. L. 100-418, 102 Stat. 1107.

Subpart A—State Planning Procedures

§ 627.1 Eligible grant recipients.

To establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement. The agreement shall consist of a statement assuring that the State shall comply with (a) the Job Training Partnership Act, as amended, and the applicable rules and regulations and (b) the Wagner-Peyser Act, as amended, and all applicable rules and regulations. The agreement shall specify that guidelines, interpretations and definitions adopted by the Governor shall, to the extent that they are consistent with the Act and applicable rules and regulations, be accepted by the Secretary.

§ 627.2 Governor's coordination and special services plan.

(a) *Submittal.* By a date established by the Secretary, any State seeking financial assistance under the Act shall submit to the Secretary a Governor's coordination and special services plan (section 121(a)(2)).

(b) *Plan review.* The Secretary shall review the plan for overall compliance with the provisions of the Act. If the plan is disapproved, the Secretary shall notify the Governor in writing within 30 days of submission of the reasons for disapproval so that the Governor may modify the plan to bring it into compliance with the Act (section 121(d)).

§ 627.3 Funding.

The Secretary will allot funds to the States in accordance with sections 162 and 302 of the Act. The Secretary will obligate such allotments through a Notice of Obligation.

§ 627.4 State job training coordinating council.

(a) The Governor shall appoint a State job training coordinating council (SJTCC) pursuant to section 122 of the Act.

(b) Consistent with section 122(a)(3) of the Act, the SJTCC shall be composed of 30 percent business and industry representatives, 30 percent State and local government and local education agency representatives, 30 percent organized labor and community-based organization representatives, and 10 percent representation from the general public. The SJTCC shall have specific functions and responsibilities outlined in sections 122, 317, and 501 of the Act.

§ 627.5 Interstate agreements.

The Secretary hereby grants authority to the several States to enter into interstate agreements and compacts in accordance with section 127 of the Act.

Subpart B—Statewide Programs

§ 627.21 Distribution of State funds.

(a) The funds made available to the Governor under section 202(b) of the Act shall be used to carry out activities and services in this subpart.

(b) Funds provided to the Governor under section 202(b)(4) of the Act may be used to conduct auditing activities, administrative activities, and other activities described in sections 121 and 122 of the Act (section 202(b)(4)).

§ 627.22 State education coordination and grants.

(a) Expenditures for programs pursuant to section 123(c)(2)(B) of the Act shall be subject to § 629.39(a) of this chapter.

(b) Not less than 75 percent of the funds shall be expended for activities for economically disadvantaged individuals (section 123(c)(3)).

§ 627.23 Training programs for older individuals.

(a) Expenditures for administration and participant support services for programs pursuant to section 124 of the Act shall be subject to § 629.39 of this chapter.

(b) Recipients should coordinate development and delivery of services under section 124 with community service employment programs for older Americans under Title V of the Older Americans Act of 1965, as amended.

§ 627.24 State incentive grants.

(a) Funds available under section 202(b)(3) shall be used by the Governor to provide incentive grants for programs exceeding Title II performance standards established pursuant to section 106 of the Act, including incentives for serving hard-to-serve individuals. Incentive grant funds shall be distributed among SDAs within the State exceeding their performance in an equitable proportion based on the degree by which the SDAs exceed their Title II performance standards. Incentive grant funds made available to an SDA may be used for post-program data collection activities, subject to the provisions of § 629.39(f) of this chapter (section 202(b)(3)(B)).

(b) Funds available under section 202(b)(3) that are not needed for incentive grants shall be used by the Governor to provide technical assistance to SDAs within the State (or to subrecipients in single statewide SDAs). For the purposes of this section, technical assistance means activities directly related to program performance, including preventative technical assistance to enable the State to anticipate program deficiencies and take corrective action. Subject to the provisions of § 629.39(f) of this chapter, funds available for technical assistance may be retained by the Governor and used for post-program data collection activities. Technical assistance funds shall not be expended to support ongoing maintenance of management information systems or other ongoing operational support activities that should be charged to the overall administration of JTPA Title II–A programs (section 106(h)(1)).

3. Part 628 is revised to read as follows:

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Authority: 29 U.S.C. 1579(a), Section 6305(f), Pub. L. 100–418, 102 Stat. 1107.

§ 628.1 Service delivery areas.

(a) The SJTCC shall make recommendations to the Governor on proposed SDA designations in a form and by a date established by the Governor (section 101(a) (1) and (2)).

(b) Pursuant to section 101 of the Act, the Governor shall designate service delivery areas (SDAs) for the State. All areas within the State must be covered by designated SDAs. Requests for designation shall be submitted in a form and by a date established by the Governor.

(c) Pursuant to section 101(a)(4)(C) of the Act, an entity described in section 101(a)(4)(A) may appeal the Governor's denial of service delivery area designation to the Secretary of Labor.

(1) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, DC 20210, ATTENTION: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification of the denial from the Governor.

(3) The appealing party shall explain why it believes the denial is contrary to the provisions of section 101 of the Act.

(4) The Secretary shall accept the appeal and make a decision only with

regard to determining whether or not the denial is inconsistent with section 101 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 30 days after this appeal is received (section 101(a)(4)(C)).

§ 628.2 Private industry council.

(a) The chief elected official(s) of the SDA shall establish and the Governor shall certify the private industry council (PIC) pursuant to section 102 of the Act.

(b) Pursuant to section 103 of the Act, the PIC shall provide policy and program guidance for all activities under the job training plan for the SDA. In accordance with agreements negotiated with the appropriate chief elected official(s), the PIC shall determine the procedures for development of the job training plan and select the grant recipient and administrative entity for the SDA. The PIC may exercise independent oversight over activities under the job training plan, and oversight shall not be circumscribed by agreements with the appropriate chief elected official(s) of the SDA.

(c) The employment service shall develop jointly with each appropriate PIC and chief elected official(s) for the SDA those components of the plans required under the Wagner-Peyser Act, as amended, applicable to the SDA (Wagner-Peyser Act section 8(b)(1)).

(d) The PIC shall be a party to the designation of substate grantees under Title III, as set forth at § 631.35 of this chapter (section 312(b)).

(e) The PIC shall be provided the opportunity to review and comment on a substate grantee plan under Title III of the Act prior to the submission of such plan to the Governor (section 313(a)).

§ 628.3 Selection of SDA grant recipient, administrative entity and service providers.

(a) Pursuant to section 103(b)(1) of the Act, a selection shall be made of the SDA grant recipient and the entity to administer the job training plan for Title II developed pursuant to section 104 of the Act. These may be the same or different entities. The specific functions and responsibilities of these entities shall be spelled out in accordance with the agreement(s) between the PIC and the chief elected official(s), which should specifically address the provisions of section 141(i) of the Act.

(b) Service providers shall be selected in accordance with—

(1) The agreement negotiated pursuant to section 103(b)(1) of the Act, and

(2) The provisions of sections 107 and 205(b)(4) of the Act.

§ 628.4 Job training plan.

The Governor may issue instructions and schedules that will assure that job training plans and plan modifications for SDAs within the State conform to all requirements of the Act.

§ 628.5 Review and approval.

(a)(1) If the Governor disapproves the SDA job training plan or plan modification, the Governor shall notify the PIC and the appropriate chief elected official(s) for the SDA in writing as provided in section 105(b)(2) of the Act.

(2) The Governor shall provide the PIC and the appropriate chief elected official(s) for the SDA 20 days to correct the deficiencies and resubmit the plan or plan modification. The Governor shall make a final decision and shall notify the PIC and the appropriate chief elected official(s) for the SDA of the final disapproval or approval within 15 days after the plan or plan modification was resubmitted.

(b) Pursuant to section 105(b)(2) of the Act, any final disapproval of the job training plan or plan modification may be appealed to the Secretary.

(1) Appeals to the Secretary shall be submitted jointly by the PIC and the appropriate chief elected official(s) for the SDA to the Secretary, U.S. Department of Labor, Washington, DC 20210 ATTENTION: ASET. A copy of the appeal shall be simultaneously provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of the final disapproval from the Governor.

(3) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the disapproval is clearly erroneous within the context of section 105(b)(1) of the Act. The Secretary may consider any comments submitted by the Governor. In accordance with section 105(b)(2) of the Act, the Secretary shall make a final decision within 45 days after the appeal is received.

(c) Pursuant to section 164(b)(1) of the Act, a notice of intent to revoke approval of all or part of a plan may be appealed to the Secretary. Such appeals shall be subject to the terms and conditions of paragraph (b) of this section, except that the revocation shall not become effective until—

(1) The time for appeal has expired, or

(2) The Secretary has issued a decision.

§ 628.6 State SDA submission.

(a) Pursuant to section 105(d) of the Act, when the SDA is the State, the Governor shall, not less that 60 days before the beginning of the first of the two program years covered by the job training plan and in accordance with instructions issued by the Secretary, submit to the Secretary a two-program-year job training plan. When the SDA is the State, modifications to the plan shall be submitted to the Secretary for approval.

(b) The Secretary shall review the plan or plan modification for overall compliance with the provisions of the Act. The State's plan shall be considered approved unless, within 30 days of receipt of the submission described in paragraph (a) of this section, the Secretary notifies the Governor in writing of discrepancies between the submission and specific provisions of the Act. If the plan or plan modification is disapproved, the Governor may appeal the decision by requesting a hearing before an administrative law judge pursuant to § 629.57(c) of this chapter.

4. Part 629 is revised to read as follows:

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nondiscrimination and nonsectarian activities.
629.4 Labor standards.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitations on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout. [Reserved]
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.

629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

Authority: 29 U.S.C. 1579(a); Section 6305(f); Pub. L. 100-418, 102 Stat. 1107.

Subpart A—Program Design Requirements

§ 629.1 General program requirements.

(a) The conditions prescribed in sections 141, 142 and 143 of the Act apply to all programs under Titles I, II, and III of the Act, except as provided elsewhere in the Act or this chapter.

(b) Programs operated under Titles I, II, and III of the Act are subject to the provisions of 29 CFR Part 96, which implement the Single Audit Act of 1984, except as provided elsewhere in this chapter.

(c) Recipients shall ensure that an individual enrolled in a JTPA program meets the requirements of section 167(a)(5) of the Act, section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling (section 504).

(d) Recipients shall ensure that individuals are enrolled within 45 days of the date of application or a new application must be taken, except that eligible summer program applicants under Title II-B may be enrolled within 45 days into a summer youth enrollee pool, and no subsequent application need be taken prior to participation.

(e) Programs operated under Titles I, II, and III of the Act are not subject to the provisions of 29 CFR Part 97, except as otherwise explicitly provided in this chapter.

§ 629.2 Public service employment prohibition.

No funds available under Titles I, II-A, or III of the Act may be used for public service employment (sections 141(p) and 314(d)(2)).

§ 629.3 Nondiscrimination and nonsectarian activities.

(a) Recipients, SDA grant recipients, Title III substate grantees and other subrecipients shall comply with the nondiscrimination provisions of section 167 of the Act.

(b) Pursuant to section 167(a) of the Act, the employment or training of participants in sectarian activities is prohibited.

§ 629.4 Labor standards.

(a) No funds may be used to assist in relocating establishments, or parts thereof, from one area to another unless a determination is made that such relocation will not result in an increase in unemployment in the area of original location or in any other area (section 141(c)).

(b) No currently employed worker shall be displaced (including partial displacement) by any participant.

(c) No participant shall be employed or job opening filled—

(1) When any other individual is on layoff from the same or any substantially equivalent job, or

(2) When an employer has terminated any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized by this Act (section 143(b)).

(d) The Secretary will promptly review and take appropriate action with regard to alleged violations of the provisions of paragraphs (a), (b) and (c) of this section, by either direct investigation or referral to the State for action as provided for at § 629.54(b) of this part.

Subpart B—Payments, Benefits and Working Conditions

§ 629.21 Needs-based payments.

(a) Subject to the provisions of sections 108 and 142(a)(1) of the Act and in accordance with a locally developed formula or procedure, payments based on need may be provided to individual participants under Title II in cases where such payments are necessary to enable individuals to participate in a training program funded under the Act (section 204(27)).

(b) Documentation supporting the locally developed formula or procedure for needs-based payments shall be maintained in accordance with instructions from the Governor (section 204(27)).

(c) The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

§ 629.22 Benefits and working conditions.

(a) Where participants are not covered under a State's workers' compensation law, they shall be provided with adequate on-site medical and accident insurance. Income maintenance coverage is not required for these participants (section 143(a)(3)).

(b) Where participants are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety. Participants employed or trained for inherently dangerous occupations, *e.g.*, fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (section 143(a)(2)).

Subpart C—Administrative Standards and Procedures

§ 629.31 Grant payments.

(a) JTPA grant payments will be made to the Governor in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205).

(b) The Governor shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and disbursement. Failure to establish such procedures or to take action to correct deficiencies in—

(1) Financial management systems, or

(2) Fund drawdown and advance payment procedures may result in the Governor being funded through reimbursement by Treasury check payment.

§ 629.32 Program income.

Income generated under any program shall be used to further program objectives and may be retained by that program, unless the Governor requires that such income be turned over to the State. Program income generated under Title II may be used to satisfy the matching requirement of section 123(b) of the Act.

§ 629.33 Insurance.

(a) *General.* Each Governor, SDA grant recipient, Title III substate grantee and subrecipient shall follow its normal insurance procedures except as otherwise indicated in this section.

(b) The DOL assumes no liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the Governor's, SDA grant recipient's Title III substate grantee's or other subrecipient's organization or any third party.

(c) Governors, SDA grant recipients, Title III substate grantees and subrecipients shall secure insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation. Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are allowable and are chargeable to participant support or training for Title II, and to basic readjustment services, retraining services, or needs-related payments and supportive services for Title III, as appropriate (section 143(a)(3)).

§ 629.34 Procurement.

Subject to the provisions of section 107 of the Act, recipients and subrecipients shall administer procurement systems that reflect applicable State and local law, rules and regulations as determined by the Governor.

§ 629.35 Management systems, reporting and recordkeeping.

(a) The Governor shall ensure that financial systems within the State provide fiscal control and accounting procedures sufficient to—

(1) Permit preparation of required reports;

(2) Permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds; and

(3) Demonstrate compliance with the matching requirement (sections 104(b)(9), 164(a)(1), 165(a)(1), 165(c)(2), and 182).

(b) The financial management system and the participant data system shall provide federally required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (sections 165(a)(1), 165(a)(2), and 182).

(c) Pursuant to section 165(a) of the Act, the Governor shall ensure that records shall be maintained of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act.

(d) The Governor shall ensure that records shall be maintained of such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

(e) The Governor shall insure that procedures are developed for retention of all records pertinent to all grants and agreements, including financial, statistical, property and participant records and supporting documentation. The period of records retention shall be three years from the last date authorized for the expenditure of funds allotted to a State for a given program year, as set forth at section 161(b) of the Act. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

(f) The aforementioned records will be retained beyond the prescribed period, if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

(g) In the event of the termination of the relationship with a subrecipient, the Governor or SDA grant recipient or Title III substate grantee shall be responsible for the maintenance and retention of the records of any subrecipient unable to retain them.

§ 629.36 Reports required.

The Governor shall report to the Secretary pursuant to instructions issued by the Secretary. Reports for programs under Titles I and II shall be required by the Secretary no more frequently than semiannually. Reports shall be submitted to the Secretary within 45 calendar days after the end of the report period (section 165(a)(2)). Reporting requirements for Title III are set forth at § 631.15 of this chapter.

§ 629.37 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the Governor or subrecipient. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable State and local law, rules or regulations, as determined by the Governor.

(b) Direct and indirect costs shall be charged in accordance with the OMB Circulars identified at 29 CFR 97.22(b).

(c) The Governor shall issue guidelines on allowable costs for SDA, Title III substate area and statewide programs that shall include provisions that:

(1) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(2) Entertainment costs are not allowable;

(3) Insurance policies offering protection against debts established by the Federal Government are not allowable JTPA costs; and

(4) Personal liability insurance for PIC members is allowable.

(d) The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or staff solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

§ 629.38 Classification of costs.

(a) To comply with the limitations on certain costs contained in section 108 of the Act, allowable costs for programs under Title II shall be charged against the following cost categories: training; administration; and participant support. Only the provisions of paragraph (e)(2)(i), (ii) and (iii)(A) of this section apply to programs under Title III of the Act; the classification of costs for programs under Title III of the Act are set forth at § 631.13 of this chapter.

(b) Costs are allocable to a particular cost category to the extent that benefits are received by such category.

(c) For State-administered programs, the Governor is required to plan, control and charge expenditures against the aforementioned cost categories.

(d) The Governor is responsible for ensuring that SDA grant recipients and other subrecipients plan, control and charge expenditures against the aforementioned cost categories.

(e) In assigning costs to the training category pursuant to paragraph (a) of this section, the Governor shall ensure that:

(1) Training costs include: the costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities; salaries, fringe benefits, equipment and supplies of personnel directly engaged in providing training (including remedial education; job related counseling for participants; employability assessment and job development; job search assistance; including preparation for work and labor market orientation); books and other teaching aids; equipment and

materials used in providing training to participants; classroom space and utility costs; and tuition and entrance fees that represent instructional costs which have a direct and immediate impact on participants. In addition, 50 percent of the costs of a limited work experience program, and 250 hours of youth tryout employment, are considered allowable training costs. A limited work experience program is one that meets the requirements of section 108(b)(3) of the Act. Youth tryout employment is that which meets the requirements of section 205(d)(3)(B) of the Act.

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training or retraining services when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii)(A) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement; or

(B) In the case of youth, payment for training packages purchased competitively pursuant to section 141(d)(3) of the Act shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in section 106(b)(2) of the Act.

(3) Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

(4) Training costs do not include supportive services costs as defined in section 4 of the Act or other participant support costs which are determined to be necessary at the local level.

(5) All costs of employment generating activities to increase job opportunities for eligible individuals in the area and the remaining 50 percent of the costs of a limited work experience program, as well as 100 percent of the costs of other work experience programs, are not allowable training costs (section 108(b)(2)(A)).

(6) The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

(7) Construction costs may be allowable training or participant support costs only when funds are used to:

(i) Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such participants. Examples of such equipment, materials and suppliers are handtools, workclothes and other low cost items; and

(ii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(8) The cost of incorporating a PIC or consortium administrative entity for the purpose of carrying out programs under the Act shall not be charged to training but may be charged to other cost categories as appropriate.

(9) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories.

§ 629.39 Limitations on certain costs.

(a)(1) Not less than 85 percent of the funds for programs under Titles I and II of the Act may be expended for the cost of training and participant support, except as provided in paragraph (b) of this section.

(2) Administrative costs are limited to 15 percent of funds available. The 15 percent limitation on administrative costs may not be waived.

(b) Funds allotted under the following sections of the Act are excluded from the requirements of paragraph (a) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2)(A); and

(3) Section 202(b)(3).

(c)(1) Not less than 70 percent of the funds for programs under Titles I and II–A of the Act may be expended for the costs of training, except as provided in paragraphs (d) and (e) of this section.

(2) There is an established 30 percent limitation on combined administrative and participant support costs. This limitation may be waived by the Governor only in accordance with paragraph (e) of this section.

(d) Funds allotted under the following sections of the Act are excluded from the requirements of paragraph (c) of this section:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to section 123(c)(2);

(3) Section 202(b)(3), to provide technical assistance to SDAs within the State; and

(4) Section 251.

(e) Expenditures may not be in excess of the limitation contained in paragraph (c) of this section except as provided for in section 108(c).

(f) Notwithstanding the limitations on certain costs contained in section 108 of the Act and paragraphs (a) through (e) of this section, funds available under section 202(b)(3) of the Act may be used by the Governor or SDA during not more than 2 program years, ending June 30, 1988, to develop and implement a data collection system to track the post-program experience of participants. Thereafter, the provisions of paragraphs (a) through (e) of this section shall apply to incentive and technical assistance funds under section 202(b)(3) of the Act, as appropriate.

(g) The provisions of this section do not apply to any designated SDA which served as a concentrated employment program grantee for a rural area under the Comprehensive Employment and Training Act (section 108(d)).

(h) The provisions of this section do not apply to Title III programs under Part 631 of this chapter.

(i) Administrative funds within a SDA may, at the discretion of and pursuant to requirements established by the Governor, be pooled and used for all administrative costs of programs within the SDA assisted with funds under the Act.

§ 629.40 Matching funds.

The Governor shall define and assure the provision of adequate resources to meet the matching requirement of section 123(b) of the Act.

§ 629.41 Property management standards.

(a) Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purposes authorized by the Act. Subject to the Secretary's rights to such property, the Governor shall maintain accountability for property in accordance with State procedures and the records retention requirements of § 629.35 of this part.

(b) The JTPA program must be reimbursed the fair market value of any unneeded property retained by the Governor for use in a non-JTPA program. The proceeds from the sale of any property or transfer of property to a non-JTPA program must be used for purposes authorized under the Act.

§ 629.42 Audits.

(a) The requirements of 20 CFR Part 96, which implement Office of Management and Budget Circular A–128,

"Audits of State and Local Governments," apply to JTPA programs administered by recipients and subrecipients, and shall be followed for audits of all program years beginning after July 1, 1985.

(b) Within a timely period after the State submits the audit report to the appropriate Federal official, the Governor shall submit an audit resolution report documenting the Governor's disposition of the reported questioned costs, *i.e.*, whether allowed or disallowed, the basis for allowing questioned costs, and corrective actions taken.

(c) If the Governor intends to request waivers of liability under section 164(e)(2) of the Act, such requests must accompany the audit resolution report along with supporting documentation.

(d) After receiving the audit resolution report(s), the Secretary shall review the report(s), the Governor's disposition, and any liability waiver request. If the Secretary is in agreement with all aspects of the Governor's disposition of the audit(s), the Secretary shall so notify the Governor, constituting final agency action on the audit(s). If the Secretary is in disagreement with the Governor's conclusion on specific points in the audit(s), the Secretary shall resolve the audit(s) through the initial and final determination process described in Subpart D of this part.

(e) Audits conducted or arranged by the Inspector General will generally supplement rather than duplicate audits of recipients, PICs, SDAs, Title III substate grantees, or other subrecipients.

§ 629.43 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to section 163 of the Act.

(b) The Governor is responsible for oversight of all SDA grant recipient and Title III substate grantee activities and State supported programs.

(c) The PIC and local elected official(s) may conduct such oversight as they, individually or jointly, deem necessary or delegate oversight responsibilities to an appropriate entity pursuant to their mutual agreement.

§ 629.44 Sanctions for violations of the Act.

(a) Pursuant to sections 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, regulations, or grant terms and conditions. Additionally, sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the Governor is or may be entitled under the Act, except as provided in section 164(e)(1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts allotted to the Governor by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the Governor or subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under sections 164(f) and 167 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in Subpart D of this part.

(c) To impose a sanction or corrective action regarding a violation of section 167 of the Act, the Secretary shall utilize the procedures of 29 CFR Part 31.

(d)(1) The Secretary shall hold the Governor responsible for all funds under the grant. The Governor shall hold subrecipients, including SDA grant recipients and Title III substate grantees, responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the Governor for misexpenditures of grant funds in accordance with section 164(e) of the Act, including the requirement that the Governor shall have taken prompt and appropriate corrective actions for misexpenditures by a subrecipient.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by subrecipients ordinarily shall be considered a part of the corrective action required by section 164(e)(2)(D) of the Act. In this regard, the Governor may request advance approval from the Secretary for contemplated corrective actions. Such requests may address debt collection or options which the Governor plans to initiate or to forego. The Governor's request shall include a description and assessment of all actions taken by the subrecipient to collect the misspent funds.

(4) In making the determination required by section 164(e)(2) of the Act, the Secretary may determine, based on a request from the Governor, that the Governor may forego certain collection actions against a subrecipient where that subrecipient was not at fault with respect to the liability criteria set forth in section 164(e)(2)(A) through section 164(e)(2)(D) of the Act. The Secretary shall consider such requests in assessing whether the Governor's corrective action was appropriate in light of section 164(e)(2)(D) of the Act. At that time, the Secretary shall also consider advance approvals (previously granted pursuant to paragraph (d)(3) of this section) in light of the Governor's demonstrated efforts to undertake the approved course of action.

(5) The Governor shall not be released from liability for misspent funds under the determination required by section 164(e) of the Act until the Secretary determines that further collection action, either by the Governor or subrecipient, would be inappropriate or would prove futile.

(e) The Governor shall have the authority to reduce allocations to a service delivery area or Title III substate area if—

(1) The Secretary offsets a debt against funds allotted to the Governor; and

(2) The debt resulted from a misexpenditure by the SDA grant recipient or Title III substate grantee or their subrecipients.

(f) Nothing in this section shall preclude the Secretary from imposing a sanction directly against a subrecipient as authorized in section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.45 Closeout. [Reserved]

§ 629.46 Performance standards.

(a) The Secretary shall prescribe performance standards for adults and youth under Title II–A and dislocated workers under Title III in accordance with section 106 of the Act. Standards for youth employment competencies shall prescribe the framework for competency development.

(b) Pursuant to initial and annual instructions issued by the Secretary, the Governor shall:

(1) Collect the data necessary to set standards pursuant to section 165 of the Act; and

(2) Submit reports according to sections 106 and 121(b)(3) of the Act.

(c) *Title II Performance Standards.* (1) The Governor shall establish SDA standards for Title II within the parameters set annually by the Secretary pursuant to section 106(e) of the Act and apply the standards in accordance with section 202(b)(3) of the Act.

(2) Pursuant to section 106(h)(1) of the Act, the Governor shall, after exhaustion of remedies below, impose a reorganization plan if an SDA fails to meet its Title II performance standards for 2 consecutive years.

(i) Prior to imposition of a reorganization plan, the Governor must offer the subrecipient opportunity for a hearing.

(ii) Should the hearing determination uphold the Governor's imposition of a reorganization plan, the subrecipient may appeal to the Secretary.

(iii) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, DC 20210, ATTENTION: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(iv) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification from the Governor.

(v) The appealing party shall explain why it believes the Governor's decision is contrary to the provisions of section 106 of the Act.

(vi) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the Governor's decision is inconsistent with section 106 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 60 days after this appeal is received (section 106(h)).

(d) *Title III Performance Standards.* (1) The Governor shall establish substate grantee performance standards for programs under Title III within the parameters set annually by the Secretary pursuant to section 106(e) of the Act and apply the standards in accordance with section 311(a) with regard to incentives.

(2) Any performance cost standard for programs under Title III shall make appropriate allowance for the difference in cost resulting from serving workers receiving needs-related payments authorized under § 631.20 of this chapter (section 106(g)).

(3) The Secretary annually will certify compliance, if the program is in compliance, with the Title III performance standards established pursuant to paragraph (a) of this section (section 322(a)(4)).

(4) The Governor shall ensure that, within the parameters established by the Secretary pursuant to section 106(e) of the Act, standards for the operation of programs under Title III are not inconsistent with the standards established by the Secretary under the provisions of section 106(g) of the Act (section 311(b)(8)).

(5) Where a substate grantee fails to meet performance standards for 2 consecutive years, the Governor may institute procedures pursuant to the Governor's by-pass authority in accordance with § 631.38(b) of this chapter or require redesignation of the substate grantee in accordance with § 631.35 of this chapter, as appropriate.

Subpart D—Grievances, Investigations, and Hearings

§ 629.51 Scope and purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under the Act. Complaints of discrimination pursuant to section 167(a) of the Act will be handled under 29 CFR Parts 31 and 32.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a Governor, SDA grant recipient, Title III substate grantee or other subrecipient has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the Governor, SDA grant recipient, Title III substate grantee or other subrecipient without first exhausting the remedies in this subpart. Nothing in the Act or this chapter shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this subpart;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or these regulations without first exhausting the administrative remedies described in this subpart; or

(3) Be construed to create a private right of action with respect to alleged violations of JTPA or the JTPA regulations.

§ 629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.

(a) *Policy.* This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in § 629.55 of this part.

(b) *Procedures at Governor, SDA, and substate grantee levels.* (1) Pursuant to section 144(a) of the Act, each Governor shall maintain a State level grievance procedure and shall ensure the establishment of procedures at the SDA grant recipient level and the Title III substate grantee level for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act. The procedures must include the handling of complaints and grievances arising in connection with JTPA programs operated by each SDA grant recipient, Title III substate grantee and subrecipient under the Act. These procedures must also provide for resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring reports (section 144(a)).

(2) The grievance hearing procedure shall include written notice of the date, time and place of the hearing, an opportunity to present evidence, and a written decision.

(c) *State review.* (1) If a complainant does not receive a decision at the SDA grant recipient or Title III substate grantee level within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant then has a right to request a review of the complaint by the Governor. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision. The Governor shall issue a decision within 30 days. The Governor's decision is final.

(2) The Governor shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. A decision shall be made within 30 days. The Governor's decision is final.

(d) *Federal review of local level complaints without decision.* (1) Should the Governor fail to provide a decision as required in paragraph (c) of this section, the complainant may then request from the Secretary a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

(2) The Secretary shall act within 90 days of receipt of the request and where there is reasonable cause to believe the Act or regulations have been violated shall direct the Governor to issue a decision adjudicating the dispute pursuant to State and local procedures. The Secretary's action does not constitute final agency action and is not appealable under the Act (sections 166(a) and 144(c)). If the Governor does not comply with the Secretary's order within 60 days, the Secretary may impose a sanction upon the Governor for failing to issue a decision.

(3) The request shall be filed no later than 10 days from the date on which the complainant should have received a decision as required in paragraph (c) of

this section. The complaint should contain the following:

(i) The full name, telephone number (if any), and address of the person making the complaint;

(ii) The full name and address of the respondent against whom the complaint is made;

(iii) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;

(iv) The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;

(v) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case; and

(vi) A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and an attestation that no decision was issued.

(4) A request will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to evaluate the complaint and the grievance procedure used by the State, SDA grant recipient or Title III substate grantee.

§ 629.53 Non-criminal grievance procedure at employer level.

(a) Governors, SDA grant recipients, Title III substate grantees and other subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants (section 144(b)).

(b) Employers under paragraph (a) of this section may operate their own grievance system or may utilize the grievance system established by the Governor, SDA grant recipient or Title III substate grantee under § 629.52 of this part. Employers shall inform participants of the grievance procedure they are to follow.

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the SDA grant recipient or Title III substate grantee and the Governor, if necessary, in accordance with § 629.52(b) of this part.

§ 629.54 Federal handling of administrative and civil complaints.

(a) (1) The Comptroller General's and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 629.42 of this part.

(2) The Secretary is authorized to monitor States (section 163(a)).

(3) The Secretary shall each fiscal year investigate several States to evaluate whether the use of funds received under the Act is in compliance with the provisions of the Act (section 165(b)(1)(A)).

(4) The Secretary may receive complaints alleging violations of the Act or regulations through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a) of this section, the Secretary may:

(1) Direct the Governor to handle a complaint through local grievance procedures established under § 629.52 of this part; or

(2) Investigate and determine whether the Governor or subrecipient(s) are in compliance with the Act and regulations (section 163 (b) and (c)).

(c) (1) The Secretary shall notify the Governor of the findings of the Secretary's investigation and shall give the Governor a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The Governor shall offer an opportunity for a hearing at the State level to those subrecipients adversely affected by the results of an investigation, audit or monitoring activity as specified in § 629.52(b) of this part. The Governor shall inform the Secretary of actions undertaken, including any disposition of an audit conducted by the State to deal with the Secretary's findings if one was undertaken within the time frame specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the Governor's actions. The Secretary's review shall take into account the provisions of § 629.44 of this part. If the Secretary is in agreement with the Governor's handling of the situation, the Secretary shall so notify the Governor. This notification shall constitute final agency action.

(d) *Initial and final determination.*—(1) *Initial determination.* If the Secretary is dissatisfied with the Governor's disposition of an audit as specified in § 629.42 or other resolution of costs, with the Governor's response to findings pursuant to paragraph (c) of this section, or if the Governor failed to comply with the Secretary's decision pursuant to § 629.52(d)(2) of this part, the Secretary shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements, under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a Governor's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the Governor with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the Governor and the Secretary do not resolve any matter informally, the Secretary shall provide each party with a written final determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate that efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 629.57 of this part.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a subrecipient in accordance with the authority of section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.

All information and complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 629.56 Opportunity for informal review.

(a) Parties to a complaint under § 629.57 of this part may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to all parties for the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision will be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached within the 60 days provided in paragraph (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to section 166(b) of the Act.

§ 629.57 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complainants identified in sections 164(f) and 166(a) of the Act. All other disputes arising under the Act shall be adjudicated under the appropriate recipient or subrecipient grievance procedures or other applicable law.

(b) *Sanctions.* For the purpose of this section, "sanctions" will not include actions required by authority other than this Act. For example, the imposition of interest charges where required by the Debt Collection Act of 1982 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.* (1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the applicant, Governor, SDA grant recipient, Title III substate grantee or other subrecipient of funds may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street NW., Washington, DC 20036, with one copy to the departmental official who issued the determination and one copy to the Administrator, Office of Financial and Administrative Management, Employment and Training Administration, Washington, DC 20210.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall specifically state those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within the 21 days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and the request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (c) (1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 629.56 of this part within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of Procedure.* The rules of practice and procedure promulgated by the OALJ (29 CFR Part 18) shall govern the conduct of hearings under this section, except that a request for hearing under this section shall not be considered a complaint to which the filing of an answer by DOL or a DOL agency or official is required.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in section 163(b) of the Act, incorporating 15 U.S.C. 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least 3 weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. To this end, the Secretary shall prepare and file an administrative file in support of the decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of persuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under section 164 of the Act, except with respect to the provisions of section 164(e) of the Act.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

§ 629.58 Other Authority.

Nothing contained in this subpart shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

5. Part 630 is revised to read as follows:

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

Sec.

630.1 Adult and youth programs under Part A of Title II.
630.2 Summer youth employment and training programs under Part B of Title II.

Authority: 29 U.S.C. 1579(a).

§ 630.1 Adult and youth programs under Part A of Title II.

(a) Funding for programs under this section shall be provided in accordance with sections 162, 201, and 202 of the Act. Funds may be used to provide services specified in section 204 of the Act to persons meeting eligibility criteria specified in sections 141(e) and 203 of the Act.

(b)(1) Pursuant to section 203(b) of the Act, not less than 40 percent of funds shall be expended for services to eligible youth. For the purposes of this paragraph (b)(1), the term "eligible youth" includes individuals who are 14 and 15 years of age and enrolled pursuant to section 205(c)(1) of the Act.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the SDA differs from the ratio of such individuals nationally as published by the Secretary, the percentage specified in paragraph (b)(1) of this section shall be reduced or increased by a local adjustment factor. This factor, which may be obtained by dividing the SDA

ratio of economically disadvantaged youth to economically disadvantaged adults by the national ratio as published by the Secretary, may be multiplied by 40 percent to derive the youth service level for the SDA. The Governor may provide for an alternative methodology to develop the local adjustment factor depending on the availability of data (section 203(b)(2)).

(c) Funds may be used to conduct exemplary youth programs under section 205 of the Act, as follows:

(1) Except for tryout employment authorized under section 205(d)(3)(B) of the Act, exemplary youth programs may be modified to accommodate local conditions as specified in the job training plan (section 205(a)); and

(2) Tryout employment in private-for-profit worksites may be conducted only in accordance with section 205(d) of the Act (section 141(k)).

§ 630.2 Summer youth employment and training programs under Part B of Title II.

(a) The purposes of Title II–B summer programs are to:

(1) Enhance the basic educational skills of eligible youth;

(2) Encourage school competition, or enrollment in supplementary or alternative school programs; and

(3) Provide eligible youth with exposure to the world of work.

(b) Funding for programs under this section shall be provided in accordance with sections 162 and 252 of the Act to provide services specified in section 253 of the Act to economically disadvantaged youth meeting the eligibility criteria set forth in sections 141(e) and 254 of the Act.

(c) The Governor shall issue instructions and schedules to assure that each SDA describes its planned summer youth employment and training program (SYETP) activities in an SYETP plan. The SYETP plan shall include a description of assessment plans and arrangements, a description of program activities and services to be provided, and written program goals and objectives which shall be used to evaluate the effectiveness of programs, and a description of evaluation criteria and process used to evaluate the effectiveness of programs conducted under this section. The Governor may specify other elements that are to be contained in the SYETP plan. The SYETP plan shall:

(1) Describe how the reading and mathematics skills levels of eligible participants will be assessed;

(2) Include the provision of basic and remedial education (other allowable activities specified at section 253 of the Act may also be provided) and based on the results of the assessment conducted under paragraph (c)(1) of this section describe SDA basic and remedial education programs which enhance the basic education skills of youth; and

(3) Describe the written goals and objectives established by the SDA to evaluate the effectiveness of its SYETP as specified at section 255 of the Act, and the evaluation methods which measure the effectiveness of its summer program.

(d) Pursuant to seciton 254 of the Act, an SDA may offer SYETP activities and services with funds under this section to participants during a vacation period designated as the equivalent of a summer vacation if the local educational agency operates its schools on a year-round full-time basis.

(e) Not more than 15 percent of the funds available for programs under this section may be used for the costs of administration.

6. Part 631 is revised to read as follows:

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.

631.1 Scope and purpose.
631.2 Definitions.
631.3 Participant eligibility.
631.4 Approved training rule.

Subpart B—Additional Title III Administrative Standards and Procedures

631.11 Allotment and obligation of funds by the Secretary.
631.12 Reallotment of funds by the Secretary.
631.13 Classification of costs at State and substate levels.
631.14 Limitations on certain costs.
631.15 Federal reporting requirements.
631.16 Complaints, investigations, and penalties.
631.17 Federal monitoring and oversight.
631.18 Federal by-pass authority.
631.19 Appeals.

Subpart C—Needs-Related Payments

631.20 Needs-Related payments.

Subpart D—State Administration

631.30 Designation or creation and functions of a State dislocated worker unit or office and rapid response assistance.
631.31 Monitoring and oversight.
631.32 Allocation of funds by the Governor.
631.33 State procedures for identifying funds subject to mandatory federal reallotment.
631.34 Designation of substate areas.
631.35 Designation of substate grantees.
631.36 Biennial State plan.
631.37 Coordination activities.
631.38 State by-pass authority.

Subpart E—State Programs

631.40 State program operational plan.
631.41 Allowable State activities.

Subpart F—Substate Programs

631.50 Substate plan.
631.51 Allowable substate program activities.
631.52 Selection of service providers.
631.53 Certificate of continuing eligibility.

Subpart G—Federal Delivery of Dislocated Worker Services

631.60 General.
631.61 Application for funding and selection criteria.

Subpart H—Transition Provisions

631.70 Special provisions for program startup.

Authority: 29 U.S.C. 1579(a); Sec. 6305(f), Pub. L. 100–418, 102 Stat. 1107; § 631.30(a)(7)(viii) also issued under Sec. 8, Pub. L. 100–379, 102 Stat. 890.

Subpart A—General Provisions

§ 631.1 Scope and purpose.

(a) This part implements Title III of the Act. Title III programs seeks to establish an early readjustment capacity for workers and firms in each State; to provide comprehensive coverage to workers regardless of the cause of dislocation; to provide early referral from the unemployment insurance system to adjustment services as an integral part of the adjustment process; to foster labor, management and community partnerships with government in addressing worker dislocation; to emphasize retraining and reemployment services rather than income support; to create an on-going substate capacity to deliver adjustment services; to tailor services to meet the needs of individuals; to improve accountability by establishing a system of mandated performance standards; to improve financial management by monitoring expenditures and realloting available funds; and to provide the flexibility to target funds to the most critical dislocation problems.

(b) These regulations apply to JTPA programs funded by Fiscal Year 1989 and later appropriations for use in programs in Program Year 1989 and later. For JTPA Title III programs operated with funds appropriated for fiscal years before Fiscal Year 1989, the regulations which had been published in 20 CFR Part 631 (1988 ed.) continue to apply.

§ 631.2 Definitions.

In addition to the definitions contained in sections 4, 301, and 303(e) of the Act and in § 626.4 of this chapter, the following definition applies to

programs under Title III of the Act and this part:

"Substantial layoff" means any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period for:

(a) (1) At least 33 percent of the employees (excluding employees regularly working less than 20 hours per week); and

(2) At least 50 employees (excluding employees regularly working less than 20 hours per week); or

(b) At least 500 employees (excluding employees regularly working less than 20 hours per week).

§ 631.3 Participant eligibility.

(a) Eligible dislocated workers, as defined in section 301 of the Act, are eligible to participate in programs under this part.

(b) Eligible dislocated workers include individuals who were self-employed (including farmers and ranchers) and are unemployed:

(1) Because of natural disasters, subject to the provisions of paragraph (e) of this section; or

(2) As a result of general economic conditions in the community in which they reside.

(c) For the purposes of paragraph (b) of this section, categories of economic conditions resulting in the dislocation of a self-employed individual may include, but are not limited to:

(1) Failure of one or more businesses to which the self-employed individual supplied a substantial proportion of products or services;

(2) Failure of one or more businesses from which the self-employed individual obtained a substantial proportion of products or services;

(3) Substantial layoff(s) from, or permanent closure(s) of, one or more plants or facilities that support a significant portion of the State or local economy; and/or

(4) Depressed price(s) or market(s) for the article(s) produced by the self-employed individual.

(d) The Governor is authorized to establish procedures to determine the following categories of individuals to be eligible to participate in programs under this part:

(1) Self-employed farmers, ranchers, professionals independent tradespeople and other businesspersons formerly self-employed but presently unemployed.

(2) Self-employed individuals designated in paragraph (d)(1) of this section who are in the process of going out of business, if the Governor determines that the farm, ranch, or business operations are likely to terminate.

(3) Family members of individuals identified under paragraph (d) (1) and (2) of this section, to the extent that their contribution to the farm, ranch, or business meets minimum requirements as established by the Governor.

(e) The Governor is authorized to establish procedures to identify individuals permanently dislocated from their occupations or fields of work, including self-employment, because of natural disasters. For the purposes of this paragraph (e), categories of natural disasters include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow storm, drought, fire, explosion, or other catastrophe.

(f) The State may provide services to displaced homemakers (as defined in section 4 of the Act) under this part only if the Governor determines that such services may be provided without adversely affecting the delivery of such services to eligible dislocated workers (section 311(b)(4)).

(g) An eligible dislocated worker issued a certificate of continuing eligibility as provided in § 631.53 of this part shall remain eligible for assistance under this part for the period specified in the certificate not to exceed 104 weeks.

(h) An eligible dislocated worker who has not been issued such a certificate shall remain eligible if such individuals:

(1) Remains unemployed, or

(2) Accepts temporary employment for the purpose of income maintenance prior to, and/or during participation in a training program under this part with the intention of ending such temporary employment at the completion of the training and entry into permanent unsubsidized employment as a result of the training. Such temporary employment must be with an employer other than that from which the individual was dislocated. This provision applies to eligible individuals both prior to and subsequent to enrollment.

§ 631.4 Approved training rule.

Participation by an eligible individual in any of the programs authorized under Title III of the Act or this part shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provisions of Federal law relating to unemployment benefits.

Subpart B—Additional Title III Administrative Standards and Procedures

§ 631.11 Allotment and obligation of funds by the Secretary.

(a) Funds shall be allotted among the various States in accordance with section 302(b)(1) of the Act, subject to paragraph (b) of this section.

(b) Funds shall be allotted among the various States in accordance with section 302(b)(2) (A) and (B) as soon as satisfactory data are available under section 462(e) of the Act.

(c) Allotments for the Commonwealth of the Northern Mariana Islands and other territories and possessions of the United States shall be made by the Secretary in accordance with the provisions of section 302(e) of the Act.

§ 631.12 Reallotment of funds by the Secretary.

(a) Based upon reports submitted by States pursuant to § 631.15 of this part, the Secretary shall make determinations regarding total expenditures of funds within the State with reference to the amount required to be reallotted pursuant to section 303(b) of the Act. For purposes of this paragraph—

(1) The funds to be reallotted with be an amount equal to the sum of:

(i) unexpended funds on excess of 20 percent of the prior year's formula allotments, and

(ii) all unexpended previous program year funds made available by formula.

(2) (i) The current program year is the year in which the determination is made:

(ii) The prior program year is the year immediately preceding the current program year; and

(iii) the previous program year is the year immediately preceding the prior program year.

(3) Unexpended funds shall mean the remainder of the total funds made available by formula that were available to the State for the prior program year minus total accrued expenditures at the end of the prior program year.

(4) Reallotted funds will be made available from current year allotments made available by formula.

(b) Based upon the most current and satisfactory data available, the Secretary shall identify both States with high expenditures and eligible high unemployment States, pursuant to the definitions of those terms in section 303(e) of the Act.

(c) The Secretary shall recapture funds from States identified in paragraph (a) of this section and reallot and reobligate such funds to eligible

States as identified in paragraph (b) of this section, as set forth in section 303 (a), (b), and (c) of the Act.

(d) Reallotted funds shall be subject to allocation pursuant to § 631.32, and to the cost limitations at § 631.14 of this part.

(e) The provisions of this section and section 303 of the Act shall apply to Program Year 1988, except as provided in section 6305(e) of the Economic Dislocation and Worker Adjustment Assistance Act.

§ 631.13 Classification of costs at State and substate levels.

(a) (1) To comply with the limitations on certain costs contained in section 315 of the Act, allowable costs under Title III shall be charged by either the State or the substate grantee against the following cost categories: rapid response services, basic readjustment services, retraining services, needs-related payments, supportive services, and administration. Costs shall be reported to the Secretary of Labor in accordance with the reporting requirements established pursuant to § 631.15 of this part.

(2) All costs shall be allocable to a particular cost category to the extent that benefits are received by such category. No costs shall be chargeable to a cost category except to the extent that such benefits are received by such category.

(b) Rapid response services shall be those identified at section 314(b) of the Act.

(1) Staff salary and benefit costs are chargeable to the rapid response services cost category only for that portion of staff time actually spent on rapid response activities.

(2) All other costs are chargeable to the rapid response services cost category only to the extent that they are solely for rapid response purposes.

(c) Basic readjustment services shall be those identified at section 314(c) of the Act, except as provided in paragraph (f) below.

(d) Retraining services shall be those identified at section 314(d) of the Act.

(e) Needs-related payments shall be those identified at section 314(e) of the Act.

(f) Supportive services shall be those identified at section 4(24) of the Act and provided for under Title III at section 314(c)(15) of the Act.

(g) Administration shall be that portion of necessary and allowable costs which is not directly related to the provision of services and otherwise allocable to the cost categories in paragraphs (b) through (f) of this section. All activities conducted to coordinate and exchange information with other programs to assist eligible individuals, including coordination with the Federal-State unemployment compensation system and with Title II of the Trade Act, shall be classified as administration (sections 311(b)(10) and 314(f)).

§ 631.14 Limitations on certain costs.

(a) Of the funds expended from program year's allotment:

(1) Not more than 15 percent of the amount expended from the amount reserved by the Governor under section 302(c)(1) of the Act shall be expended for administrative costs. Administrative costs do not include the cost of State rapid response assistance required under section 314(b) of the Act (section 315(c)).

(2) Not more than 25 percent of the amount expended from the amount reserved by the Governor under section 302(c)(1) of the Act shall be expended for needs-related payments and supportive services.

(3) Not more than 15 percent of the amount expended from the amount provided under section 302 (c)(1), (c)(2), and (d) of the Act to a substate grantee shall be expended for administration.

(4) Not more than 25 percent of the amount expended from the amount provided under section 302 (c)(1), (c)(2), and (d) of the Act shall be expended for needs-related payments and supportive services by a substate grantee.

(5) Not less than 50 percent of the funds expended by a substate grantee for activities under this title from the amount provided under section 302 (c)(1), (c)(2), and (d) of the Act shall be expended for retraining services specified in section 314(d) of the Act unless a waiver to this requirement is granted by the Governor. The Governor shall prescribe criteria that will allow substate grantees to apply in advance for a waiver of this requirement, pursuant to section 315(a)(2) of the Act. The Governor shall prescribe the time and form for the submission of an application for such a waiver, as provided for at section 315(a)(3) of the Act. The Governor shall not grant a waiver that allows less than 30 percent of the funds expended by a substate grantee to be expended for retraining activities.

(b) Reallotted funds are subject to the limitations on certain costs contained in paragraph (a) of this section.

§ 631.15 Federal reporting requirements.

Notwithstanding the provisions of § 629.36 of this chapter, the Governor shall report to the Secretary pursuant to instructions issued by the Secretary for programs and activities funded under this part. Reports shall be required quarterly, semi-annually, and annually for the first two program years. Reports shall be provided to the Secretary within 45 calendar days after the end of the report period (section 165(a)(2)).

§ 631.16 Complaints, investigations, and penalties.

The provisions of this section apply in addition to the sanctions provisions in § 629.44 of this chapter.

(a) The Secretary shall investigate a complaint or report received from an aggrieved party or a public official which alleges that a State is not complying with the provisions of the State plan required under section 311(a) of the Act (section 311(e)(1)).

(b) Where the Secretary determines that a State has failed to comply with its State plan, and that other remedies under the Act and Part 629 of this chapter are not available or are not adequate to achieve compliance, the Secretary may withhold an amount not to exceed 10 percent of the allotment of the State for the program year in which the determination is made for each such violation (section 311(e)(2)(A)).

(c) The Secretary will not impose the penalty provided for under paragraph (b) of this section until all other remedies under the Act and Part 629 of this chapter for achieving compliance have been exhausted or are determined to be unavailable or inadequate to achieve State compliance with the terms of the State plan.

(d) The Secretary will make no determination under this section until the affected State has been afforded adequate written notice and an opportunity to request and to receive a hearing before an administrative law judge pursuant to the provisions of § 629.57 of this chapter (section 311(e)(2)(B)).

§ 631.17 Federal monitoring and oversight.

The Secretary shall conduct oversight of State administration of programs under this part and of rapid response activities conducted in accordance with § 631.30 of this part.

§ 631.18 Federal by-pass authority.

(a) In the event that a State fails to submit a biennial State plan that is approved under § 631.36 of this part, the Secretary shall make arrangements to use the amount that would be allotted to that State for the delivery in that State of the programs, activities, and services authorized under Title III of the Act and this part.

(b) No determination may be made by the Secretary under this section until the

affected State is afforded written notification of the Secretary's intent to exercise by-pass authority and an opportunity to request and to receive a hearing before an administrative law judge pursuant to the provisions of § 629.57 of this chapter.

(c) The Secretary will exercise by-pass authority only until such time as the affected State has an approved plan under the provisions of § 631.36 of this part (section 321(b)).

§ 631.19 Appeals.

Except as provided in this part, disputes arising in programs under this part shall be adjudicated under the appropriate State or local grievance procedures required by § 629.52 of this chapter or other applicable law. Complaints alleging violations of the Act or this part may be filed with the Secretary, pursuant to § 629.54 of this chapter. The following paragraphs refer to appeal provisions set forth in this part.

(a) Section 628.1(c) of this chapter (appeals of denial of SDA designation) shall apply to denial of substate area designations under § 631.34(c) (1) and (3) of this part.

(b) Section 628.5(b) of this chapter (appeals of final disapproval of SDA job training plans or modifications) shall apply to final disapproval of substate plans under § 631.50(f) of this part.

(c) Section 628.5(c) of this chapter (appeals of a Governor's notice of intent to revoke approval of all or part of a plan) shall apply to a Governor's notice of intent to exercise by-pass authority under § 631.38 of this part.

(d) Section 628.6(d) of this chapter (appeals of the Secretary's disapproval of a plan when the SDA is the State) shall apply to plan disapproval when the substate area is the State, as set forth in § 631.50 (g) and (h) of this part.

(e) Decisions pertaining to designations of substate grantees under § 631.35 of this part are not appealable to the Secretary.

Subpart C—Needs-related payments

§ 631.20 Needs-related payments.

(a) In accordance with the approved substate plan, needs-related payments shall be provided to an eligible dislocated worker only in order to enable such worker to participate in training or education programs under this part. To be eligible for needs-related payments:

(1) An eligible worker who has ceased to qualify for unemployment compensation must have been enrolled in a training or education program by the end of the thirteenth week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after an employee is informed that a short-term layoff will in fact exceed 6 months.

(2) For purposes of paragraph (a)(1) of this section, the term "enrolled in a training or education program" means that the worker's application for training has been approved and the training institution has furnished written notice that the worker has been accepted in the approved training program beginning within 30 calendar days.

(3) An eligible worker who does not qualify for unemployment compensation must be participating in a training or education program. (section 314(e)(1)).

(b) Needs-related payments shall not be provided to any participant for the period that such individual is employed more than 20 hours per week, enrolled in or receiving on-the-job training, out-of-area job search, or basic readjustment services in programs under the Act, nor to any participant receiving trade readjustment allowances, on-the-job training, out-of-area job search allowances, or relocation allowances under Chapter 2 of Title II of the Trade Act of 1974 or Part 617 of this chapter.

(c) The level of needs-related payments to an eligible dislocated worker in programs under this part shall not exceed the higher of:

(1) The applicable level of unemployment compensation; or

(2) The poverty level as published by the Secretary of Health and Human Services (section 314(e)(2)).

Subpart D—State Administration

§ 631.30 Designation or creation and functions of a State dislocated worker unit or office and rapid response assistance.

(a) *Designation or creation of State dislocated worker unit or office.* The State shall designate or create an identifiable State dislocated worker unit or office with the capabilities and functions identified below. Such unit or office may be an existing organization or new organization formed for this purpose (section 311(b)(2)). The State dislocated worker unit or office shall:

(1) Make appropriate retraining and basic adjustment services available to eligible dislocated workers through substate grantees, and in statewide, regional or industrywide projects;

(2) Work with empoyers and labor organizations in promoting labor-management cooperation to achieve the goals of this part;

(3) Operate a monitoring, reporting, and management system to provide adequate information for effective program management, review, and evaluation;

(4) Provide technical assistance and advice to substate grantees;

(5) Exchange information and coordinate programs with the appropriate economic development agency, State education and training and social services programs;

(6) Coordinate with the unemployment insurance system, the Federal-State Employment Service system, the Trade Adjustment Assistance program and other programs under this chapter;

(7) Receive advance notice of plant closings and mass layoffs as provided at section 3(a)(2) of the Worker Adjustment and Retraining Notification Act, Pub. L. 100–379, 102 Stat. 890;

(8) Notify the appropriate substate grantees as soon as possible (preferably within 48 hours) following receipt of employer notice of layoff or plant closing;

(9) Consult with labor organizations where substantial numbers of their members are to be served; and

(10) Disseminate throughout the State information on the availability of services and activities under Title III of the Act and this part.

(b) *Rapid response capability.* The dislocated worker unit shall have the capability, including appropriate staff, to provide rapid response assistance, on-site, for dislocation events such as permanent closures and substantial layoffs throughout the State.

(1) Such appropriate staff shall include individuals knowledgeable about the resources available through programs under this part and all other appropriate resources available through public and private sources to assist dislocated workers. The expertise required under this part includes knowledge of the Federal, State and local training and employment systems; labor-management relations; private industry and labor market trends; and other fields necessary to carry out the rapid response requirements of the Act.

(2) The rapid response specialists shall have:

(i) The ability to organize a broad-based response to a dislocation event, including the ability to coordinate services provided under this part with other State-administered programs available to assist dislocated workers, and the ability to involve the substate grantee and local service providers in the assistance effort;

(ii) The authority to provide limited amounts of immediate financial assistance for rapid response activities, including, where appropriate, financial assistance to labor-management

committees formed under paragraph (c)(2) of this section; and

(iii) Credibility among employee groups and in the employer community in order to effectively work with employers and employees in difficult situations.

(3) The dissemination of information on the State dislocated worker unit's services and activities shall include efforts to ensure that major employers and employee groups, including groups of employees not represented by organized labor, are aware of the availability of rapid response assistance. The State dislocated worker unit shall make equal effort in responding to dislocation events without regard to whether the affected workers are represented by a union.

(4) In a situation involving an impending permanent closure or substantial layoff, a State may provide funds, where other public or private resources are not expeditiously available, for a preliminary assessment of the advisability of conducting a comprehensive study exploring the feasibility of having a company or group, including the workers, purchase the plant and continue it in operation.

(5) Rapid response specialists may use funds available under this part:

(i) To establish on-site contact with employer and employee representatives within a short period of time (preferably 48 hours or less) after becoming aware of a current or projected permanent closure or substantial layoff in order to—

(A) Provide information on and facilitate access to available public programs and services; and

(B) Provide emergency assistance adapted to the particular closure or layoff. Such emergency assistance may include financial assistance for appropriate rapid response activities, such as arranging for the provision of early intervention services and other appropriate forms of immediate assistance in response to the dislocation event.

(ii) To promote the formation of labor-management committees as provided for in paragraph (c) of this section, by providing—

(A) Immediate assistance in the establishment of the labor-management committee, including providing immediate financial assistance to cover the start-up costs of the committee;

(B) A list of individuals from which the chairperson of the committee may be selected;

(C) Technical advice as well as information on sources of assistance, and liaison with other public and private services and programs; and

(D) Assistance in the selection of worker representatives in the event no union is present;

(iii) To provide ongoing assistance to labor-management committees described in paragraph (c) of this section by—

(A) Maintaining ongoing contact with such committees, either directly or through the committee chairperson;

(B) Attending meetings of such committees on and *ex officio* basis; and

(C) Ensuring ongoing liaison between the committee and locally available resources for addressing the dislocation, including the establishment of linkages with the substate grantee or with the service provider designated by the substate grantee to act in such capacity;

(iv) To collect information related to—

(A) Economic dislocation (including potential closings of layoffs); and

(B) All available resources within the State for displaced workers, which information shall be made available on a regular basis to the Governor and the SJTCC to assist in providing an adequate information base for effective program management, review, and evaluation;

(v) To provide or obtain appropriate financial and technical advice and liaison with economic development agencies and other organizations to assist in efforts to avert worker dislocations;

(vi) To disseminate information throughout the State on the availability of services and activities carried out by the dislocated worker unit or office; and

(vii) To assist the local community in developing its own coordinated response and in obtaining access to State economic development assistance.

(c) *Labor-management committees.* As provided for in sections 301(b)(1) and 314(b)(1)(B) of the Act, labor-management committees are a form of rapid response assistance which may be voluntarily established to respond to actual or prospective worker dislocation.

(1) Labor management committees ordinarily include (but are not limited to) the following—

(i) Shared and equal participation by workers and management, with members often selected in an informal fashion;

(ii) Shared financial participation between the company and the state, using funds provided under this title, in paying for the operating expenses of the committee. In some instances, labor union funds may help to pay committee expenses;

(iii) A chairperson, to oversee and guide the activities of the committee who—

(A) Shall be jointly selected by the labor and management members of the committee;

(B) Is not employed by or under contract with labor or management at the site; and

(C) Shall provide advice and leadership to the committee and prepare a report on its activities;

(iv) The ability to respond flexibly to the needs of affected workers by devising and implementing a strategy for assessing the employment and training needs of each dislocated worker and for obtaining the services and assistance necessary to meet those needs;

(v) A formal agreement, terminable at will by the workers or the company management, and terminable for cause by the Governor; and

(vi) Local job identification activitites by the chairperson and members of the committee on behalf of the affected workers.

(2) Because they include employee representatives, labor-management committees typically provide a channel whereby the needs of eligible dislocated workers can be assessed, and programs of assistance developed and implemented, in an atmosphere supportive to each affected worker. As such, committees must be perceived to be representative and fair in order to be most effective.

§ 631.31. Monitoring and oversight.

The Governor is responsible for monitoring and oversight of all State and substate grantee activities under this part. In such monitoring and oversight of substate grantees, the Governor shall ensure that expenditures and activities are in accordance with the substate plan or modification thereof.

§ 631.32 Allocation of funds by the Governor.

Of the funds allotted to the Governor by the Secretary under § 631.11 and § 631.12 of this part:

(a) The Governor shall issue allocations to substate grantees, the sum of which shall be no less than 50 percent of the State's allotment (section 302(d)).

(b)(1) The Governor shall prescribe the formula to be used in issuing substate allocations to substate grantees.

(2) The formula shall utilize the most appropriate information available to the Governor. In prescribing the formula, the Governor shall include (but need not be limited to) the following information:

(i) Insured unemployment data;

(ii) Unemployment concentrations;

(iii) Plant closing and mass layoff data;

(iv) Declining industries data;

(v) Farmer-rancher economic hardship data; and

(vi) Long-term unemployment data.

(3) The Governor may allow for an appropriate weight for each of the formula factors in paragraph (b)(2) of this section. The formula may be amended no more frequently than once each program year. The formula shall be used for substate allocations of "fifty-percent" funds under section 302(d) of the Act.

(c) The Governor may reserve an amount equal to not more than 40 percent of the funds allotted to the State under § 631.11 and § 631.12 of this part for State activities and for discretionary allocations to substate grantees (section 302(c)(1)).

(d) The Governor may reserve an additional amount equal to not more than 10 percent of the funds allotted to the State under § 631.11 of this part. The Governor shall allocate such funds subject to SJTCC review and comment, during the first three quarters of the program year among substate grantees on the basis of need. Such funds shall be allocated to substate grantees and shall not be used for statewide activities (sections 302(c)(2) and 317(1)(B)).

§ 631.33 State procedures for identifying funds subject to mandatory Federal reallotment.

The Governor shall establish procedures to assure the equitable identification of funds required to be reallocated pursuant to section 303(b) of the Act. Funds so identified may be funds provided to the State pursuant to section 302(c)(1) of the Act and/or to substate grantees pursuant to section 302 (c)(2) and/or (d) of the Act (section 303(d)). Such procedures may not exempt either State or substate funds from such consideration.

§ 631.34 Designation of substate areas.

(a) The Governor, after receiving recommendations from the SJTCC, shall designate substate areas for the State (section 312(a)).

(b) In designating substate areas, the Governor shall:

(1) Ensure that each service delivery area (SDA) within the State is included within a substate area and that no SDA is divided among two or more substate areas; and

(2) Consider the availability of services throughout the State, the capability to coordinate the delivery of services with other human services and economic development programs, and the geographic boundaries of labor market areas within the State.

(c) Subject to paragraph (b) of this section, the Governor shall designate as a substate area:

(1) Any single SDA that has a population of 200,000 or more;

(2) Any two or more contiguous SDAs that:

(i) In the aggregate have a population of 200,000 or more; and

(ii) Request such designation; and

(3) Any concentrated employment program grantee for a rural area described in section 101(a)(4)(A)(iii) of the Act.

(d) In addition to the entities identified in paragraph (c) of this section, the Governor may, without regard to the 200,000 population requirement, designate SDAs with smaller populations as substate areas.

(e) The Governor may deny a request for substate area designation from a consortium of two or more SDAs that meets the requirements of paragraph (9c)(2) of this section only upon a determination that the request is not consistent with the effective delivery of services to eligible dislocated workers in the relevant labor market area, or would otherwise be inappropriate. The Governor will give good faith consideration to all such requests by a consortium of SDAs to be a substate area. In denying a consortium's request for substate area designation, the Governor shall set forth the basis and rationale for the denial (section 312(a)(5)).

(f) In the case where the service delivery area is the State, the entire State will be designated as a single substate area.

(g)(1) Entities described in paragraphs (c) (1) and (3) of this section may appeal the Governor's denial of substate area designation to the Secretary of Labor. The procedures that apply to such appeals shall be those set forth at § 628.1 for appeals of the Governor's denial of SDA designation, except that in applying that section to this paragraph the words "service delivery area" and "SDA" shall read "substate area", and "section 101(a)(4)(A)" shall read "section 312(a)(4)", and "section 101" shall read "section 312".

(2) An entity described in paragraph (c)(2) of this section that has been denied substate area designation may utilize the State-level grievance procedures required by section 144(a) of the Act and § 629.52 of this chapter for the resolution of disputes arising from such a denial.

(h) Designation of substate areas shall not be revised more than once each two years. All such designations must be completed no later than four months prior to the beginning of any program year (section 312(a)(6)).

§ 631.35 Designation of substate grantees.

The Governor may establish procedures for the designation of substate grantees.

(a) Designation of the substate grantee for each substate area shall be made on a biennial basis.

(b) Entities eligible for designation as substate grantees include:

(1) Private industry councils in the substate area;

(2) Service delivery area grant recipients or administrative entities;

(3) Private non-profit organizations;

(4) Units of general local government in the substate area, or agencies thereof;

(5) Local offices of State agencies; and

(6) Other public agencies, such as community colleges and area vocational schools.

(c) Substate grantees shall be designated in accordance with an agreement among the Governor, the local elected official or officials of such area, and the private industry council or councils of such area. Whenever a substate area is represented by more than one such official or council, the respective officials and councils shall each designate representatives, in accordance with procedures established by the Governor (after consultation with the SJTCC), to negotiate such agreement.

(d) The agreement specified in paragraph (c) of this section shall set forth the conditions, considerations, and procedures that apply to the selection of substate grantees in accordance with section 312(b) of the Act.

(e) The Governor will negotiate in good faith with the parties identified in paragraph (c) of this section and shall make a good faith effort to reach agreement. In the event agreement cannot be reached on the selection of a substate grantee, the Governor shall select the substate grantee.

(f) Decisions under paragraphs (c), (d) and (e) of this section are not appealable to the Secretary (section 312(b) and (c)).

§ 631.36 Biennial State plan.

(a) In order to receive an allotment of funds under § 631.11 and § 631.12 of this part, the State shall submit to the Secretary, in accordance with instructions issued by the Secretary, on a biennial basis, a biennial State plan (section 311). Such plan shall include:

(1) Assurances that—(i) The State will comply with the requirements of Title III and this part;

(ii) Services will be provided only to eligible displaced workers, except as

provided in paragraph (a)(2) of this section;

(iii) Services will not be denied on the basis of State of residence to eligible dislocated workers displaced by a permanent closure or substantial layoff within the State; and may be provided to other eligible dislocated workers regardless of the State of residence of such workers;

(2) Provision that the State will provide services under this part to displaced homemakers only if the Governor determines that the services may be provided to such workers without adversely affecting the delivery of services to eligible dislocated workers;

(3) A description of the substate allotment and reallotment procedures and assurance that they meet the requirements of the Act and this part;

(4) A description of the State procurement system and procedures to be used under Title III and this part; and

(5) Assurance that the State will not prescribe any performance standard which is inconsistent with § 629.46(d) of this chapter.

(b) The State biennial plan shall be submitted to the Secretary on or before the May 1 immediately preceding the first of the two program years for which the funds are to be made available.

(c) Any plan submitted under paragraph (a) of this section may be modified to describe changes in or additions to the programs and activities set forth in the plan. No plan modification shall be effective unless reviewed pursuant to paragraph (d) of this section and approved pursuant to paragraph (e) of this section.

(d) The Secretary shall review plans and plan modifications, including any comments thereon submitted by the SJTCC, for overall compliance with the provisions of the Act, this part, and the instructions issued by the Secretary.

(e) A plan or plan modification is submitted on the date of its receipt by the Secretary. The Secretary shall approve a plan or plan modification within 45 days of submission unless, within 30 days of submission, the Secretary notifies the Governor in writing of any deficiencies in such plan or plan modification.

(f) The Secretary shall not finally disapprove the plan or plan modification of any State except after written notice and an opportunity to request and to receive a hearing before an administrative law judge pursuant to the provisions of § 629.57(c) of this chapter.

§ 631.37 Coordination activities.

(a) Services under this part shall be integrated or coordinated with services and payments made available under Chapter 2 of Title II of the Trade Act of 1974 (and Part 617 of this chapter) and programs provided by any State or local agencies designated under section 239 of the Trade Act of 1974 or Part 617 of this chapter (section 311(b)(10)). Such coordination should be effected under provisions of an interagency agreement when the State agency responsible for administering programs under this part is different from the State agency administering Trade Act programs.

(b) States may use funds allotted under 631.11 and § 631.12 for coordination of worker readjustment programs, (*i.e.*, programs under this part and trade adjustment assistance under Part 617 of this chapter) and the unemployment compensation system consistent with the limitation on administrative expenses (see § 631.14(a)(1) of this part). Each State shall be responsible for coordinating the unemployment compensation system and worker readjustment programs (section 314(f)).

(c) Services under this part will be coordinated with dislocated worker services under Title III of the Carl D. Perkins Vocational Education Act.

(d) In promoting labor management cooperation, including the formation of labor-management committees under this part, the dislocated worker unit shall consider cooperation and coordination with labor management committees established under other authorities.

§ 631.38 State by-pass authority.

(a)(1) In the event that a substate grantee fails to submit a plan, or submits a plan which is not approved by the Governor (see § 631.50(f) of this part), the Governor may direct the expenditure of funds allocated to the substate area.

(2) The Governor's authority to expend funds remains in effect only until such time as a plan is submitted and approved, or a new substate grantee is designated. (section 313(c)).

(3) No determination may be made by the Governor under this paragraph (a) except after the affected substate grantee has been afforded advance written notice of the Governor's intent to exercise such authority and an opportunity to appeal to the Secretary pursuant to the provisions of § 628.5(b) of this chapter.

(b)(1) If a substate grantee fails to expend funds allocated to it in accordance with its plan, the Governor, subject to appropriate notice and opportunity for comment in the manner required by section 105(b) (1), (2), and (3) of the Act, may direct the expenditure of funds only in accordance with the substate plan.

(2) The Governor's authority to expend shall remain in effect only until:

(i) The substate grantee corrects the failure;

(ii) The substate grantee submits an acceptable modification; or

(iii) A new substate grantee is designated. (Sections 303(a) and 313(d)).

(3) No determination may be made by the Governor under this paragraph (b) except after the affected substate grantee has been afforded advance written notice of the Governor's intent to exercise such authority, and an opportunity to appeal to the Secretary pursuant to the provisions of § 628.5(c) of this chapter.

(c) When the substate area is the State, the Secretary shall have the same authority as the Governor under paragraphs (a) and (b) of this section.

Subpart E—State Programs

§ 631.40 State program operational plan.

(a) The Governor shall submit to the Secretary biennially, in accordance with instructions issued by the Secretary, a State program operational plan describing the specific activities, programs and projects to be undertaken with the "forty-percent" funds reserved by the Governor under § 631.32(c) of this part.

(b) The State program operational plan shall include a description of the mechanisms established between the Federal-State Unemployment Compensation System, the Trade Adjustment Assistance Program, and programs authorized under Title III of the Act and this part to coordinate the identification and referral of dislocated workers and the exchange of information.

§ 631.41 Allowable state activities.

(a) States may use "forty-percent" funds reserved under § 631.32(c) of this part, subject to the provisions of the State biennial and program operational plans, for:

(1) Rapid response assistance;

(2) Basic readjustment services when undertaken in Statewide, regional or industrywide projects, or initially, as part of rapid response assistance;

(3) Retraining services, including (but not limited to) those in section 314(d) of the Act when undertaken in Statewide, industrywide and regional programs;

(4) Coordination with the unemployment compensation system, in accordance with § 631.37(b) of this part;

(5) Discretionary allocation for basic readjustment and retraining services to

provide additional assistance to areas that experience substantial increases in the number of dislocated workers, to be expanded in accordance with the substate plan or modification thereof;

(6) Incentives to provide training of greater duration for those who require it; and

(7) Needs-related payments in accordance with section 315(b) of the Act.

(b) Activities should be coordinated with other programs serving dislocated workers, including training under Chapter 2 of Title II of the Trade Act of 1974 and Part 617 of this chapter.

(c) Where appropriate, State-level activities should be coordinated with activities and services provided by substate grantees.

(d) Retraining services provided to individuals with funds available to a State should be limited to those individuals who can most benefit from and are in need of such services.

(e) Other than basic and remedial education, literacy and English for non-English speakers training, retraining services provided with funds available to a substate area should be limited to those for occupations in demand in the area or another area to which the participant is willing to relocate, or in sectors of the economy with a high potential for sustained demand or growth.

(f) Services provided to displaced homemakers should be part of ongoing programs and activities under Title III and this part and not separate and discrete programs.

(g) The provisions of section 107 of the Act and § 629.34 of this chapter apply to State selection of service providers for "forty-percent" funds activities authorized in § 631.32(c) of this part.

Subpart F—Substate Programs

§ 631.50 Substate plan.

(a) In order to receive an allocation of funds under § 631.32 of this part, the substate grantee shall submit to the Governor a substate plan, in accordance with instructions issued by the Governor. Such plan shall meet the requirements of this section and must be approved by the Governor prior to funds being allocated to a substate grantee.

(b) The Governor shall issue instructions and schedules that assure that substate plans and plan modifications conform to all requirements of the Act and this part, and contain the statement required by section 313(b) of the Act.

(c) Substate plans shall provide for compliance with the cost limitation provisions of § 631.14 of this part.

(d) the SJTCC shall review and submit to the Governor written comments on substate plans.

(e) Prior to the submission of the substate plan to the Governor, the substate grantee shall submit the plan to the parties to the agreement described in § 631.35(c) of this part for review and comment (section 313(a)).

(f) The Governor's review and approval (or disapproval) of a substate plan or plan modification, and appeals to the Secretary from disapprovals thereof, shall be conducted according to the provisions of section 105 of the Act and § 628.5 of this chapter, except that in applying that section to this paragraph the words "SDA" and "PIC" shall read "substate grantee" and the phrase "job training plan" shall read "plan" (section 313(c)).

(g) If a substate grantee fails to meet the provisions for plan submission and approval found in this section, the Governor may exercise the by-pass authority set forth at § 631.38 of this part.

(h) When the substate area is the State, the substate plan (and any plan modification(s)) shall be submitted by the Governor to the Secretary. The dates for submission and consideration and the Secretary's review and approval (or disapproval) of the plan or plan modification, and appeals to administrative law judges from disapproval thereof, shall be conducted according to the provisions of § 628.6 of this chapter, except that in applying that section to this paragraph the word "SDA" shall read "substate grantee" and the phrase "job training plan" shall read "plan".

§ 631.51 Allowable substate program activities.

(a) The substate grantee may use seciton 302 (c)(1), (c)(2), and (d) funds allocated by the Governor under § 631.32 of this part for basic readjustment services, retraining services, supportive services and needs-related payments.

(b) The provisions of Part 629 of this chapter apply to funds allocated to substate grantees, as appropriate.

(c) Other than basic and remedial education, literacy and English for non-English speakers training, retraining services provided with funds available to a substate area should be limited to those for occupations in demand in the area or another area to which the participant is willing to relocate, or in sectors of the economy with a high potential for sustained demand or growth.

(d) Retraining services provided to individuals with funds available to a State should be limited to those individuals who can most benefit from and are in need of such services.

§ 631.52 Selection of service providers.

(a) The substate grantee shall provide authorized Title III services within the substate area, pursuant to an agreement with the Governor and in accordance with the approved State plan and substate plan, including the selection of service providers.

(b) The substate grantee may provide authorized Title III services directly or through contract, grant, or agreement with service providers (section 312(d)).

(c) Services provided to displaced homemakers should be part of ongoing programs and activities under Title III and this part and not separate and discrete programs.

(d) The provisions of section 107 of the Act and § 629.34 of this chapter apply to substate grantee selection of service providers as specified in this section.

§ 631.53 Certificates of continuing eligibility.

(a) A substate grantee may issue to any eligible dislocated worker who has applied for the program authorized in this part a certificate of continuing eligibility. Such a certificate of continuing eligibility:

(1) May be effective for periods not to exceed 104 weeks,

(2) Shall not include any reference to any specific amount of funds,

(3) Shall state that it is subject to the availability of funds at the time any such training services are to be provided, and

(4) Shall be non-transferable.

(b) Acceptance of a certificate of continuing eligibility shall not be deemed to be enrollment in training.

(c) Certificates of continuing eligibility may be used, subject to the conditions included on the face of the certificate, in two distinct ways:

(1) To defer the beginning of retraining. Any individual to whom a certificate of continuing eligibility has been issued under paragraph (a) of this section shall remain eligible for retraining and education services authorized under this part for the period specified in the certificate, notwithstanding the definition of "eligible dislocated worker" in section 301(a) of the Act or the participant eligibility provisions in § 631.3 of this part, any may use the certificate in order to receive retraining services, subject to the limitations contained in the certificate.

(2) To permit eligible dislocated workers to seek out and arrange their own retraining with service providers approved by the substate grantee. Retraining provided pursuant to the certificate shall be in accord with requirements and procedures established by the substate grantee and shall be conducted under a grant, contract, or other arrangement between the substate grantee and the service provider.

(d) Substate grantees shall ensure that records are maintained showing to whom such certificates have been issued, the dates of issuance, and the ultimate disposition of such certificates.

Subpart G—Federal Delivery of Dislocated Worker Services

§ 631.60 General.

Of the funds appropriated for Title III, 20 percent (less those amounts allotted in accordance with section 302(e) of the Act) shall be used for Federal responsibilities as described in Part B of Title III. Subject to the provisions of section 324 of the Act, the Secretary may reserve funds under this part for awards to entities submitting applications for such funds based upon selection criteria published by the Secretary. The Secretary may utilize reserve funds to provide additional assistance to states to assist the states in carrying out programs under this part.

§ 631.61 Application for funding and selection criteria.

To qualify for consideration for funds reserved by the Secretary for activities under section 323 of the Act, applications shall be submitted to the Secretary pursuant to instructions issued by the Secretary on an annual basis specifying application procedures, selection criteria, and approval process. Separate instructions will be issued for each category of grant awards, as determined be the Secretary.

Subpart H—Transition Provisions

§ 631.70 Special provisions for program startup.

(a) In order to provide for the transition from Title III activities as administered through PY 1988, the Governor may use a limited amount of funds allotted for PY 1988 to assist in implementing the new provisions through June 30, 1989, under the following conditions:

(1) Funds are expended to cover only the one-time costs associated with the transition such as: Reconstitution of the SJTCC; establishment of substate areas and substate grantees; establishment of the State dislocated worker unit; establishment of management systems; development of the State plan; and development of substate plans;

(2) Funds so expended will not be taken into account when computing compliance with the cost limitations at 20 CFR 631.13, 53 FR 4277 (February 12, 1988) or the matching requirements at 20 CFR 631.14, 53 FR 4277 (February 12, 1988); and

(3) Allowable costs are limited to salaries and benefits of staff for the time spent on implementing new systems and linkage arrangements and other direct costs associated with the transition.

(4) No funds included under paragraph (a)(2) of this section may be used for the purchase of equipment or computer hardware. (Section 6305 (b)).

(b) The Governor shall certify to the Secretary that the changes in the SJTCC's membership required by section 122, as amended by section 6304(b), have been accomplished no later than January 1, 1989.

(c) The initial Governor's "biennial" and "program operational" State plans developed pursuant to § 631.36 and § 631.40, respectively, of this part shall be for only one program year (PY 1989). These plans shall be modified to incorporate sections applicable for the subsequent biennial period (Program Years 1990–91).

Signed at Washington, DC, this 18th day of October, 1988.

Ann McLaughlin,

Secretary of Labor.

[FR Doc. 88–24456 Filed 10–21–88; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 904 and 941

[Docket No. R–88–1299; FR–2191]

Public Housing Development; Cost Containment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: Section 6(b) of the United States Housing Act of 1937, which required the Secretary to establish prototype costs for the development of Public and Indian Housing, was repealed November 25, 1985. This final rule announces the Public Housing development cost containment policies to be applied by the Department in lieu of the repealed prototype costs.

DATES: *Effective:* Under section 7(o)(3) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(3)), this final rule cannot become effective until after the first period of 30 calendar days of continuous session of Congress which occurs after the date of the rule's publication. HUD will publish a notice of the effective date of this rule following expiration of the 30-session-day waiting period. Whether or not the statutory waiting period has expired, this rule will *not* become effective until HUD's separate notice is published announcing a specific effective date.

FOR FURTHER INFORMATION CONTACT: Raymond W. Hamilton, Director, Project Development Division, Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 426–0938. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986 (Pub. L. 99–160, approved November 25, 1985) repealed section 6(b) of the United States Housing Act of 1937. Section 6(b) required the Secretary to establish prototype costs based on dwelling construction and equipment costs for the development of Public and Indian Housing. These prototype costs were used to limit costs associated with Public and Indian Housing development.

On September 24, 1986 (51 FR 33898), HUD published a statement announcing the Public Housing development cost containment policies to be applied as a replacement for the statutory prototype cost requirements. The policy statement announced that HUD would develop cost guidelines and would use these guidelines to limit total development cost (TDC) for Public Housing projects. The policy statement also described procedures under which a Public Housing Agency (PHA) may request revisions to the cost guidelines in a market area (or the establishment of a separate market area within an existing market area) and circumstances under which the Department will permit a specific project to exceed the total development cost limitation computed under the cost guidelines. Simultaneously with the publication of the policy statement, HUD published a notice of proposed rulemaking (NPR)(51 FR 33904). the NPR stated that HUD intended to use the policy statement as the basis for a final rule amending the cost containment provisions contained

in 24 CFR Parts 904 and 941. The NPR invited public comment on the cost containment policies.

HUD received two public comments in response to the notice of proposed rulemaking. One, the Public Housing Agency of the City of Saint Paul, Minnesota, stated that the proposal will not encourage greater use of Public Housing development funds because it does not significantly differ from existing cost containment procedures based on prototype cost determinations. The commenter provided an item-by-item comparison of prototype costs and cost guidelines procedures and identified common elements of the two procedures.

We note that the item-by-item comparison ignored one of the most significant differences between the two procedures—*i.e.*, prototype costs were used to compute limitations on total development costs *and* limitations on dwelling construction and equipment (DC&E) costs. (DC&E costs are total development costs, excluding the cost of land, planning, PHA administrative expenses, demolition, site improvement and nondwelling facilities). The cost guidelines, on the other hand, impose no separate limitation on DC&E costs. Additionally, unlike the prototype costs, the cost guidelines can be waived when justified.

The second comment was submitted by the Norwalk, Connecticut Housing Authority. This commenter stated that HUD's costs containment policy will not permit the construction of quality units that will fit into existing neighborhoods and that do not stand out for lack of amenities. HUD disagrees. While HUD's cost containment policies are designed to promote economy, they also specifically permit the approval of costs at a level reasonable and necessary to develop modest, but well-designed, durable, safe and secure dwellings that can be economically maintained, that provide sufficient amenities to guarantee a healthy family life in a neighborhood environment and that provide for energy conservation. HUD does not believe that any revisions of the proposal are necessary in response to this comment.

The final rule includes two revisions to the proposed procedures. First, cost guidelines under the proposed procedures were based on dwelling construction and equipment cost. To impute the total development cost limitation, the guidelines were multiplied by a factor (160 percent for nonelevator projects or 145 percent for elevator projects). This final rule provides that guidelines will reflect total development cost (including the cost of land, demolition, site improvement, construction of nondwelling facilities, *etc.*). This change will eliminate the need to adjust the guidelines to impute total development cost and should increase the accuracy and utility of the total development cost limitation.

Second, under the proposed rule HUD could approve costs for specific projects in excess of the cost guidelines, or revise guidelines for a market area (or establish cost guidelines for a separate market area within an existing market area) if such actions were necessary to develop a project which provides for efficient design, durability, energy conservation, safety, security, economical maintenance and healthy family life in a neighborhood environment. While this standard will continue to be used when HUD determines whether costs in excess of the cost guidelines may be approved for a specific project, the procedures under the final rule have been revised to permit the interim revision of guidelines where "the actual cost of development within the market area (within the separate market area or within the separate market area) is higher than the most recently issued guidelines for the market area."

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10276, at the address listed above.

This proposal does not constitute a "major rule," as that term is defined in section 1(b) of Executive Order 12291 issued by the President on February 17, 1981. Analysis of the proposal indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this final rules does not have a significant economic impact on a substantial number of small entities. Since the final rule will limit development costs for Public Housing projects, it may have an economic impact on builders or developers of Public Housing, some of whom may constitute small entities. However, HUD does not believe that a substantial number of small entities will be affected.

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The OMB control number is 2577–0100.

This rule was listed as item 1036 in the Department's Semiannual Agenda of Regulations published April 25, 1988 (53 FR 13854, 13893) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program numbers and titles are 14.850—Public and Indian Housing (for Part 941) and 14.851—Low-Income Housing Homeownership Opportunities for Low Income Families (for Part 904).

List of subjects

24 CFR Part 904

Grant programs: housing and community development, Loan programs: housing and community development, Low and moderate income housing, Public housing, Homeownership.

24 CFR Part 941

Loan programs: Housing and community development, Public housing, Prototype costs, Cooperative agreements, Turnkey.

For the reasons set forth in the preamble, Title 24 of the Code of Federal Regulations is amended as follows:

PART 904—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

1. The authority citation for Part 904 continues to read as follows:

Authority: Secs. 2–7, 9–16, and 19, United States Housing Act of 1937 (42 U.S.C. 1437–1437e, 1437g–1473n, and 1437q); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 904.103(b) is revised to read as follows:

§ 904.103 Development.

* * * * *

(b) *Maximum total development cost.* The maximum total development cost stated in the ACC is the maximum amount authorized for development of a project and shall not exceed the amount approved in accordance with § 941.406(a) of this chapter.

* * * * *

PART 941—PUBLIC HOUSING DEVELOPMENT

3. The authority citation for Part 941 continues to read as follows:

Authority: Secs. 4, 5, and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437b, 1437c, and 1437g), sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 941.203 [Amended]

4. In § 941.203, paragraph (c) is removed and paragraphs (d), (e), (f) and (g) are redesignated as paragraphs (c), (d), (e) and (f), respectively.

5. Section 941.204 is revised to read as follows:

§ 941.204 Cost guidelines.

(a) *General.* (1) HUD will establish cost guidelines to ensure that the cost of developing modest non-luxury Public Housing is reasonable. The guidelines will be used for the purpose of reserving funds for new Public Housing projects and, except as provided in § 941.406(a), will represent the maximum total development cost (TDC) that may be approved for a project.

(2) Cost guidelines represent HUD's determination of the current total development costs within a market area for modest, non-luxury Public Housing that is developed in conformity with the minimum property standards, local building codes and requirements, and the housing design and construction standards contained in this part. The cost guidelines are issued for specific unit sizes (*i.e.*, number of bedrooms) and structure types (*i.e.*, detached, semidetached, row, walkup, or elevator) in each market area. For the purposes of this part, market areas are those areas within which trade conditions and economic influences tend to make development costs substantially the same. Each cost guideline is developed with consideration being given to, among other things, the current cost of dwelling and non-dwelling construction and equipment, land, demolition, site improvements and PHA administrative costs.

(b) *Issuance of cost guidelines.* HUD will issue cost guidelines periodically (usually on an annual basis) by notice sent to Public Housing Agencies.

(c) *Interim revisions.* (1) A PHA or HUD field office may request revisions to cost guidelines established for a market area (or the establishment of a separate market area within an existing market area) before the issuance of the next regularly scheduled cost guidelines as described in paragraph (b) of this section. The request must be in the manner and form prescribed by HUD and must be based upon the actual costs to develop modest non-luxury Public Housing. The Assistant Secretary may issue revised guidelines for a market area (or establish a separate market area within an existing market area) if HUD determines that the evidence submitted clearly demonstrates that the actual cost of development within the market area (or within a separate market area within the existing market area) is higher than the most recently issued guidelines for the market area.

(2) HUD will issue with its cost guidelines, a description of the methodology used to compute the cost guidelines and a description of the documentation that must be submitted in support of a request for interim revisions.

6. Section 941.406(a) is revised to read as follows:

§ 941.406 Maximum development cost and advances.

(a) *Maximum total development cost (TDC).* The maximum total development cost (TDC) is calculated by multiplying the number of units for each bedroom size and structure type in the project times the applicable cost guidelines for the bedroom size and structure type and adding the resulting amounts for all units in the project.

(1) The total project cost that may be approved and reserved for a proposed project at the time of the initial reservation of funds may not exceed 100 percent of the maximum TDC based on the most recently issued cost guidelines.

(2)(i) After initial fund reservation and subject to the availability of funds:

(A) A Field Office may approve costs (which include any local donations) and reserve funds for a project up to 100 percent of the maximum TDC based on the most recently issued cost guidelines;

(B) The Regional Administrator may authorize the Field Office to approve costs (which include any local donations) and reserve funds for a project up to 105 percent of the maximum TDC based on the most recently issued cost guidelines; and

(C) The Assistant Secretary may authorize the Field Office to approve costs and reserve funds for a project above 105 percent of the maximum TDC based on the most recently issued cost guidelines.

(ii) The Reginal Administrator or Assistant Secretary, as appropriate, may approve increases under paragraph (a)(2)(i) of this section, if the costs are reasonable and necessary to develop a modest non-luxury project that provides for efficient design, durability, energy conservation, safety, security, economical maintenance, and healthy family life in a neighborhood environment.

(3) If project costs can not be brought within the approvable maximum TDC, the project must be submitted in the form and manner prescribed by HUD to the Headquarters Technical Review Panel. The panel will consider the extent to which cost reduction alternatives are possible to bring the project within the approvable TDC. If the project can not be brought within the approvable maximum TDC, the panel may recommend that the Assistant Secretary approve a higher TDC or terminate the project.

* * * * *

7. Section 941.502(b)(3) and (c)(4) is revised to read as follows:

§ 941.502 Project design and execution of contracts.

* * * * *

(b) * * *

(3) After the Field Office has approved the construction documents and construction cost estimates, the PHA shall advertise for bids. In order to approve execution of the construction contract, the Field Office shall determine that the low bid is responsive to the PHA invitation and will result in a total development cost that does not exceed the Field Office estimate of replacement cost or the maximum total development cost approvable by the Field Office under § 941.406(a).

* * * * *

(c) * * *

(4) In order to approve execution of the contract of sale, the Field Office shall determine that the developer's price does not exceed the Field Office estimate of replacement cost, or result in a maximum total devleopment cost in excess of that approvable by the Field Office under § 941.406(a).

* * * * *

Date: July 25, 1988.

Jacqueline Aamot,

Associate General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 88-24464 Filed 10-21-88; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

Safety Standards for Loading, Hauling, and Dumping and Machinery and Equipment at Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Stay of final rule provision.

SUMMARY: MSHA published a final rule for Safety Standards for Loading, Hauling, and Dumping and Machinery and Equipment at Metal and Nonmetal Mines on August 25, 1988 (53 FR 32496) to take effect October 24, 1988. After further Agency analysis and review of public comments MSHA has determined that the effective date of a portion of the berms or guardrails standard should be stayed.

DATES: The final rule takes effect October 24, 1988, except that the effective date of §§ 56.9300(d) and 57.9300(d) is stayed until further notice.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235–1910.

SUPPLEMENTARY INFORMATION:

I. Introduction and Rulemaking Background

The final rule for Safety Standards for Loading, Hauling, and Dumping and Machinery and Equipment at Metal and Nonmetal Mines was published on August 25, 1988 (53 FR 32496) as a revised Subpart H—Loading, Hauling and Dumping and a revised Subpart M—Machinery and Equipment, of Parts 56 and 57 of Title 30 of the Code of Federal Regulations. The final rule, which is to be effective on October 24, 1988, represents an updating, revision and reorganization of the existing standards in these areas.

After reviewing the final rule in preparation for implementation, and analyzing comments received at public meetings held for the purpose of describing the application of the rule, the Agency has determined that paragraph (d) of §§ 56.9300 and 57.9300 does not appear to appropriately address MSHA goals and should be reconsidered by the Agency.

II. Stay of §§ 56.9300(d) and 57.9300(d)

Sections 56.9300 and 57.9300 of the final rule address the use of berms or guardrails on elevated roadways. A new paragraph (d) permits an alternative to berms or guardrails for elevated portions of infrequently traveled roadways used only by service or maintenance vehicles. It is the Agency's position that under these limited conditions, berms or guardrails should not be required if other safety precautions can provide at least the same degree of protection. Paragraph (d) of §§ 56.9300 and 57.9300 lists mandatory criteria that would assure the safety of miners using these roadways when berms or guardrails are not present. However, in light of its review and public comments received, MSHA is now reevaluating the appropriateness of the criteria. For example, paragraph (d)(3) of this section requires that reflectors be installed at 25-foot intervals along the perimeter of the elevated roadway. The Agency may reconsider the need to install reflectors along roadways at operations that do not use the roadways at night. The Agency is also reexamining the spacing of the reflectors along the roadways. Other aspects of paragraph (d) may also be reconsidered.

Therefore, the effective date of §§ 56.9300(d) and 57.9300(d) of the final rule is stayed until the Agency has completed its review of alternative provisions. The Agency anticipates completion of its review within one month and publication of a proposed rule as soon as possible thereafter. Petitions for modification granted under the prior standards, §§ 56.9022 and 57.9022, will remain in effect until the conclusion of the rulemaking.

Dated: October 19, 1988.

Roy L. Bernard,

Acting Deputy Assistant Secretary for Mine Safety and Health.

Accordingly, Subpart H, Part 56 and Subpart H, Part 57, Subchapter N, Chapter I, Title 30 of the Code of Federal Regulations is amended as follows:

PART 56—[AMENDED]

1. The authority citation for Part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

§ 56.9300 [Stayed]

2. Section 56.9300(d) is stayed until further notice.

PART 57—[AMENDED]

3. The authority citation for Part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

§ 57.9300 [Stayed]

4. Section 57.9300(d) is stayed until further notice.

[FR Doc. 88–24497 Filed 10–21–88; 8:45 am]

BILLING CODE 4510–43–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3465-8]

Approval and Promulgation of Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the amended Iowa Chapters 22 and 23 which address EPA's revised stack height requirements. Revision of these regulations satisfies the requirements of Section 110 of the Clean Air Act, as amended. This action cures a deficiency in the Iowa State Implementation Plan (SIP).

DATE: This rulemaking is effective November 23, 1988.

ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at:

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101;

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street SW., Washington, DC 20460

Iowa Department of Natural Resources, 900 East Grand, Des Moines, Iowa 50319

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at (913) 236–2893; FTS 757–2839.

SUPPLEMENTARY INFORMATION: On September 3, 1987 (52 FR 33437), EPA published a proposed rulemaking pertaining to revised Iowa regulations affecting stack height credit for dispersion modeling purposes. The state's regulations are contained in its revised Chapters 22 and 23 regulations. The state's revised stack height regulations were adopted after EPA's stack height regulation promulgation of July 8, 1985 (50 FR 27892) to satisfy the requirements of Section 110 of the Clean Air Act, as amended.

Included in EPA's September 3, 1987 (52 FR 33437), proposed rulemaking was a proposal to approve the state's negative declaration with regard to a need to revise its sulfur dioxide emissions limit except for sources in the Muscatine, Iowa, area. The state also committed to an analysis of sources in the Muscatine area to determine what SO_2 emissions limits are appropriate for that area to assure attainment and maintenance of the SO_2 air quality

standard. EPA is assisting the state in this endeavor.

The EPA's stack height regulations were challenged in *NRDC v. Thomas*, 838 F. 2d 1224 (DC Cir. 1988). On January 22, 1988, the U.S. Court of Appeals for the DC Circuit issued its decision affirming the regulations in large part, but remanding three provisions to the EPA for reconsideration. These are:

1. Grandfathering pre-October 11, 1983, within-formula stack height increases from demonstration requirements (40 CFR 51.100(kk)(2));

2. Dispersion credit for sources originally designated and constructed with merged or multiflue stacks (40 CFR 51.100(hh)(2)(ii)(A)); and

3. Grandfathering pre-1979 use of the refined H+1.5L formula (40 CFR 51.100(ii)(2)).

Although the EPA generally approves Iowa's stack height rules on the grounds that they satisfy 40 CFR Part 51, EPA also provides notice that this action may be subject to modification when EPA completes rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F. 2d 1224 (DC Cir. 1988). If the EPA's response to the *NRDC* remand modifies the July 8, 1985, regulations, the EPA will notify the state of Iowa that its rules must be changed to comport with the EPA's modified requirements. This may result in revised emission limitations or may affect other actions taken by Iowa and source owners or operators.

On September 3, 1987 (52 FR 33437), EPA proposed approval of Iowa's negative declaration concerning a need to revise its SO_2 emission limit outside the Muscatine area. That proposed rule stated that Iowa and EPA are working together to develop an SO_2 emission limit for the Muscatine area. However, pursuant to the January 22, 1988, *NRDC* remand, EPA is deferring action on all Iowa sources because it appears that they may receive credit under one of the provisions remanded to EPA in *NRDC v. Thomas*, 838 F. 2d 1224 (DC Cir. 1988). Iowa and EPA will review these sources when the EPA completes rulemaking to respond to the *NRDC* remand.

The September 3, 1987, proposed rulemaking identified a deficiency in the Iowa stack height regulations concerning the definition of emission limitation or emission standard. That proposed rule cited a letter from the state which committed to revise the state's definition of emission standard before the end of September 1987. On October 21, 1987, the Iowa Department of Natural Resources submitted a revision of its definitions at 567–20.2(455B). The revision deletes "emission standard" and inserts "emission limitation and emission standard mean a requirement established by a state, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction." This definition is consistent with EPA's definition at 40 CFR 51.100(z). The Iowa Environmental Protection Commission adopted this definition on September 22, 1987. The revision was published in the Iowa Administrative Bulletin on October 21, 1987. Today's action approves this revised definition.

EPA received no public comments on the September 3, 1987, proposed rulemaking.

Action: EPA approves the amended Iowa Chapters 22 and 23 pertaining to stack heights as published in the Iowa Administrative Bulletin on May 21, 1986. EPA approves the Iowa definition of "emission limitation or emission standard" included in Iowa regulation 567–20.2(455B).

The Office of Management and Budget has exempted this rulemaking from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Particulate matter, and Sulfur oxides.

Note: Incorporation by reference of the SIP for the state of Iowa was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 7, 1988.

Lee M. Thomas,

Administrator.

40 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

Subpart Q—Iowa

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

2. Section 52.820 is amended by adding paragraph (c)(47) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(47) Revised Chapters 22 and 23 regulations pertaining to stack height credits for modeling purposes were submitted on May 20, 1986, by the Iowa Department of Natural Resources. Revised definition of "emission limitation" and "emission standard" at Iowa regulation 567.20.2(455B), Definitions.

(i) Incorporation by reference

(A) Iowa Administrative Bulletin (ARC 6566), amendments to Chapter 22, "Controlling Pollution" and Chapter 23, "Emission Standards for Contaminants" adopted by the Iowa Environmental Protection Commission on April 22, 1986, effective June 25, 1986.

(B) Iowa Administrative Bulletin (ARC 8023) amendment to 567–20.2(455B). Effective September 22, 1987.

[FR Doc. 88–24394 Filed 10–21–88; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 148

[FRL 3465–4]

Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Phase Two; California List and Certain "First Third" Wastes; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: EPA is correcting an error in the final rule establishing effective dates prohibiting the injection of California list wastes (as defined by section 3004(d) of the Resource Conservation and Recovery Act or RCRA), as well as certain wastes prohibited under section 3004(g) of RCRA. These rules were published in the **Federal Register** on August 16, 1988 (53 FR 30908 *et seq.*).

FOR FURTHER INFORMATION CONTACT: John Atcheson, Office of Drinking Water (WH–550), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–5508.

EFFECTIVE DATE: August 8, 1988.

SUPPLEMENTARY INFORMATION: On August 16, 1988, the Agency promulgated rules establishing effective dates prohibiting the land disposal by injection of California list wastes and certain "First Third" wastes (i.e., wastes covered by section 3004(g) of RCRA and prohibited from land disposal on August 8, 1988—the first of three deadlines prohibiting land disposal established under that section of the law).

In the preamble and regulatory language of the proposal to the rule (see 53 FR 14892 *et seq.*) and the preamble to the final rule, the Agency clearly stated that pursuant to section 3004(h) of RCRA, metals, cyanides, and chromium would receive a two-year capacity variance based on lack of alternative capacity. In both the proposal and final rule, the EPA presented extensive data demonstrating that such capacity was not available.

When promulgating the effective date for these and other California list wastes in § 148.12(b) the Agency cross-referenced § 268.32. Section 268.32 does not, however, address metals, chromium, or cyanides and as a result the regulatory language in § 148.12(b) is incomplete. EPA is, therefore, issuing a technical amendment to § 148.12(b) which would clarify that a two-year capacity variance has been granted to all injected wastes covered under section 3004(d) of RCRA, except liquid hazardous waste containing polychlorinated biphenyls at concentrations equal to or exceeding 50 ppm and hazardous waste containing halogenated organic compounds (HOCs) at concentrations equal to or greater than 10,000 mg/kg. These latter wastes were prohibited from disposal in injection wells on August 8, 1988, while the remaining California list wastes will be prohibited on August 8, 1990.

List of Subjects in 40 CFR Part 148

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous materials, Hazardous materials transportation, Hazardous waste, Intergovermental relations, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply, Water pollution control.

Dated: October 11, 1988.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

The following correction is made in FRL–3420–7, Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions, Phase Two; California List and Certain "First Third" Wastes, published in the **Federal Register** on August 16, 1988 (53 FR 30908).

PART 148—[AMENDED]

1. The authority citation for Part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

2. § 148.12(b) is revised to read as follows:

§ 148.12 Waste specific prohibitions—California list wastes.

* * * * *

(b) Effective August 8, 1990, the following hazardous wastes are prohibited from underground injection:

(1) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l;

(2) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

(i) Arsenic and/or compounds (as As) 500 mg/l;

(ii) Cadmium and/or compounds (as Cd) 100 mg/l;

(iii) Chromium (VI) and/or compounds (as Cr VI) 500 mg/l;

(iv) Lead and/or compounds (as Pb) 500 mg/l;

(v) Mercury and/or compounds (as Hg) 20 mg/l;

(vi) Nickel and/or compounds (as Ni) 134 mg/l;

(vii) Selenium and/or compounds (as Se) 100 mg/l; and

(viii) Thallium and/or compounds (as Tl) 130 mg/l;

(3) Liquid hazardous waste having a pH less than or equal to two (2.0); and

(4) Hazardous wastes containing halogenated organic compounds in total concentration less than 10,000 mg/kg but greater than or equal to 1,000 mg/kg.

* * * * *

[FR Doc. 88–24347 Filed 10–21–88; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 53, No. 205
Monday, October 24, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1d

Rural Labor; Immigration Reform and Control Act of 1986

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 7 CFR Part 1d, which defines fruits, vegetables, and other perishable commodities as prescribed by section 302(a) of the Immigration Reform and Control Act of 1986, Pub. L. No. 99–603, 100 Stat. 3359 (hereinafter referred to as "the Act"). This proposed rule will assist the Immigration and Naturalization Service in determining the special agricultural workers to be admitted into the United States for temporary residence.

DATE: To be considered, comments must be received no later than November 23, 1988.

ADDRESS: Send comments to Al French, Special Assistant for Agricultural Labor to the Assistant Secretary for Economics, Room 227–E, Administration Building, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250. Written comments received may be inspected in Room 227–E of the Administration Building, 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Al French, Special Assistant for Agricultural Labor to the Assistant Secretary for Economics, Room 227–E, Administration Building, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250, telephone (202) 447–4737.

SUPPLEMENTARY INFORMATION:

Background

Section 302(a) of the Act directed the Secretary of Agriculture to publish regulations defining the fruits, the vegetables, and the other perishable commodities in which field work related to planting, cultural practices, cultivating, growing, and harvesting will be considered "seasonal agricultural services." On June 1, 1987, the United States Department of Agriculture (USDA) published its final rule (52 FR 20372), including the determination that seed for propagation was not a fruit, vegetable, or other perishable commodity within the meaning of the Act. This proposed rule redefines seed as it applies to lettuce seed.

Lettuce Seed

Section 1d.5 of the rule defined "fruits" to mean "the human edible parts of plants which consist of the mature ovaries and fused other parts or structures, which develop from flowers or inflorescence." 52 FR 20372 (June 1, 1987). Section 1d.10 defined vegetables to mean "the human edible herbaceous leaves, stems, roots or tubers of plants, which are eaten, either cooked or raw, chiefly as the principal part of a meal, rather than a dessert." 53 FR 31630 (August 19, 1988). Section 1d.7 of the rule defined "other perishable commodities" to mean "those commodities which do not meet the definition of fruits or vegetables, that are produced as a result of seasonal field work, and have critical and unpredictable labor demands." Section 1d.3 of the rule defined "critical and unpredictable labor demands" to mean "that the period during which field work is to be initiated cannot be predicted with any certainty 60 days in advance of need." In the Supplementary Information portion of the proposed rule, USDA explained that "critical and unpredictable labor demands" was defined to make it clear that the use of alien workers is predicated upon circumstances which create the critical, yet unpredictable demand for a labor force on short notice. 52 FR 13247 (April 22, 1987).

Since seed for propagation is not a human edible commodity, it does not fit within the meaning of either "fruits" or "vegetables." However, human edible seeds, such as sunflower seed, do fit within the definition of "fruits." The rule did not recognize seed for propagation as a commodity that was either included or excluded as an "other perishable commodity." In the Supplementary Information portion of the final rule, it was stated that several comments had been received as to various seed crops but that "[n]one of the comments was so specific or informative as to present a convincing case that any of these seed crops meet the standards for criticality or unpredictability which we have deemed necessary to measure the inclusion or exclusion of any commodity as perishable." 52 FR 20375 (June 1, 1987). However, upon request and the submission of appropriate information and explanation, we have considered the labor requirements of lettuce seed production and determined that it meets the requisite standard of critical and unpredictable labor demands necessary for inclusion as an "other perishable commodity."

The production of lettuce seed requires all of the activities necessary for the production of human edible lettuce plus additional critical and unpredictable labor demands regarding field work with respect to the harvesting and drying of the seed. Lettuce for seed is planted as seed or small transplants. Irrigation is required for germination and growth. The plants must be thinned and weeded. The heads of the lettuce are removed so that the plants will branch out and ultimately produce seed. All of these activities require field work performed by manual laborers. The timing of the deheading is very critical and unpredictable as the farmer must determine when the heads are at proper maturity and this cannot be forecast with any degree of certainty 60 days in advance. If the deheading is done too early, it must be done again; if several days too late, the plants will not produce seeds that will germinate. At the proper time, the plants are cut from their roots and laid upon canvas to dry. During the drying operation, they must be turned two to three times a day. After drying, the plants are beaten to release the seed, which is then collected on the canvas. Alternatively, some lettuce seed is harvested by shaking the seed into buckets and then putting the seed out to dry. In either case, field work by manual laborers must be performed to harvest the seed within a few days of proper maturity. If harvested too late, the germination of the seed is substantially reduced; if harvested too early, the seed is too immature. The timing of the harvest is unpredictable due to changing climatic conditions and cannot be

forecast with any degree of certainty 60 days in advance.

After consideration of the field work required in the planting, cultural practices, cultivation, growing, and harvesting of lettuce seed, USDA has determined that the production of lettuce seed entails critical and unpredictable labor demands and that it should be included as another perishable commodity.

Regulatory Impact

The Assistant Secretary for Economics has reviewed this proposed rule in accordance with Executive Order No. 12291 and has determined that it is not a major rule. Under the framework of the Act, the Immigration and Naturalization Service (INS) will use this proposed rule to assist it in determining which special agricultural workers will be admitted into the United States for temporary residence. Thus, the primary benefits of this proposed rule are internal to the operation of the United States government.

This action, in and of itself, will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individuals, Federal, state, or local government agencies, or geographic regions; or have a significant effect on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This proposed rule determines whether lettuce seed meets the definition of "other perishable commodities" for purposes of clarifying the term "seasonal agricultural services" as it relates to lettuce seed. The proposed rule does not contain any compliance or reporting requirements, or any timetables. The proposed rule will assist the INS in determining the special agricultural workers to be admitted for temporary residence. Thus, the proposed rule, in and of itself, will have no significant effect upon small entities.

Paperwork Reduction Act

This proposed rule does not require additional procedures or paperwork not already required by law. Therefore, the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3502, et seq.) are inapplicable.

National Environmental Policy Act

This proposed rule will not have an impact upon the environment.

List of Subjects in 7 CFR Part 1d

Immigration, Rural labor.

Accordingly, it is proposed to amend Part 1d—Rural Labor—Immigration Reform and Control Act of 1986—Definitions, as follows:

PART 1d—[AMENDED]

1. The authority citation for Part 1d continues to read as follows:

Authority: 8 U.S.C. 1160

2. Section 1d.7 is revised to read as follows:

§ 1d.7 Other perishable commodities.

"Other perishable commodities" means those commodities which do not meet the definition of fruits or vegetables, that are produced as a result of field work, and have critical and unpredictable labor demands. This is limited to Christmas trees, cut flowers, herbs, hops, horticultural specialties, lettuce seed, spanish reeds (arundo donax), spices, sugar beets, and tobacco. This is an exclusive list, and anything not listed is excluded. Examples of commodities that are not included as perishable commodities are animal aquacultural products, birds, dairy products, earthworms, fish including oysters and shellfish, forest products, fur bearing animals and rabbits, hay and other forage and silage, honey, horses and other equines, livestock of all kinds including animal specialties, poultry and poultry products, sod, sugar cane, wildlife, and wool.

Done at Washington DC, this 18th day of October 1988.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-24477 Filed 10-21-88; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 87-168]

Importation of Okra From the Dominican Republic

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow okra produced in the Dominican Republic to be entered into the United States without treatment for the pink bollworm, with certain restrictions on the areas into which it may be moved. Under this proposal, the untreated okra could be moved into any area of the United States except: (1) California, during March 16 through December 31, inclusive; and (2) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, or any part of Illinois, Kentrucky, Missouri, or Virginia south of the 38th parallel, during May 16 through November 30, inclusive. Under these conditions, the okra would not present a pest risk because the areas into which the okra could be moved are either already generally infested with the pink bollworm or would not have the host material to sustain an infestation. This action would relieve unnecessary restrictions on the importation of okra produced in the Dominican Republic.

DATE: Consideration will be given only to comments postmarked or received on or before December 23, 1988.

ADDRESSES: Send an original and three copies of written comments to Regulatory Analysis and Development, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Rd., Hyattsville, MD 20782. Please state that your comments refer to Docket No. 87-168. Comments received may be inspected a USDA, 14th and Independence Avenue SW., Room 1141 South Bldg., between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Senior Operations Officer, Import Unit, PPQ, APHIS, USDA, Room 667, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8248.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.56 prohibit or restrict the importation of certain fruits and vegetables, as well as plants and portions of plants used as packing materials, into the United States because of the risk that they could introduce injurious insects.

Oka produced in the Dominican Republic presents a risk of introducing the pink bollworm (*Pectinophora gossypiella* (Saunders)). The pink bollworm is one of the most serious pests of cotton. Pink bollworms can cause extensive damage to cotton by feeding inside the squares and bolls. Okra is probably the preferred host after cotton.

Under § 319.56-2p (referred to below as the regulations), okra from the Dominican Republic may be imported into the United States without restriction as to destination only if it is treated for the pink bollworm. Treatment consists of fumigation with methyl bromide. Okra produced in the

Dominican Republic may be entered into the United States without treatment for the pink bollworm only if the okra is entered into the United States through a North Atlantic port with approved treatment facilities and is destined to Alaska, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, or the District of Columbia, or any part of Illinois, Kentucky, Missouri, or Virginia that is north of the 38th parallel.

We are proposing to allow okra produced in the Dominican Republic to be moved into additional areas of the United States without treatment for the pink bollworm under certain geographic and seasonal restrictions, which are discussed below. Under these conditions, the untreated okra would not present a risk of introducing the pink bollworm into the United States because the areas into which it could be moved are either already generally infested with the pink bollworm or would not have the host material to sustain an infestation.

This proposal would allow okra produced in the Domincan Republic to be entered into the United States under the same conditions as okra produced in Mexico. It is based not only on an assessment of the risk associated with pink bollworm, but also on a determination that the untreated okra would not present a significant risk introducing other injurious insects if allowed to move into the United States as specified. This determination is based on an assessment of the overall pest risk associated with okra produced in the Dominican Republic. The current regulations concerning okra from Mexico also are based on an assessment of the pest risk associated with okra produced in that country. These assessments consisted of a survey of scientific literature and a review of pest interception reports related to okra produced in those countries.

We are not prepared at this time to propose similar revisions in the regulations for importing okra from other countries because we do not have adequate information on the pest risk associated with okra produced in these countries. Pest risk assessments are conducted for specific fruits and vegetables from specific countries as necessary to satisfy requests from importers. Broader studies are not possible because of manpower and budgetary constraints. However, pest risk assessments concerning okra produced in other countries could be initiated if warranted by requests to import the okra under conditions such as we are now proposing for okra produced in the Dominican Republic. If it appeared that okra produced in other countries could be safely imported under these conditions, we would consider amending the regulations to allow the requested importations.

Arizona, New Mexico, Oklahoma, and Texas

In the continental United States, the pink bollworm is firmly established in the southwestern states of Arizona, New Mexico, Oklahoma, and Texas, which are part of the Cotton Belt. These states are under fedeal quarantine (7 CFR 301.52) to prevent the spread of the pink bollworm into noninfested areas of the United States. However, the extent of the pink bollworm infestation in these states makes an eradication program there impracticable. Under these circumstances, the pink bollworm would present no new pest risk, during any time of the year, if it were carried into these states in okra from the Dominican Republic. Therefore, we are proposing to allow okra produced in the Dominican Republic to be moved into Arizona, New Mexico, Oklahoma, and Texas, without treatment for the pink bollworm during and time of the year.

Nevada, California, and the Southeastern United States

Host plants of the pink bollworn are grown in Nevada, California and the southeastern states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and parts of Illinois, Kentucky, Missouri, and Virginia south of the 38th parallel. The regulations require that okra from the Dominican Republic be treated for the pink bollworm if destined for these areas to prevent the introduction of the pink bollworm. However, host plants of the pink bollworm are grown in Nevada, California, and the southeastern United States only during certain times of the year. Moreover, during the growing season, the suitability of host plants as a food source for pink bollworm depends, in part, on the stage of development of the plant. If pink bollworm were introduced into these areas when host plants were unavailable or unsuitable as a food source, the pest would not survive.

Based on the growing season of pink bollworm host plants in the southeastern states and Nevada, we have determined that the host material necessary to sustain an infestation of the pink bollworm is present only during May 16 throughout November 30, inclusive. Based on the somewhat longer growing season of host plants in California, we have determined that the host material necessary to sustain an infestation of the pink bollworm is present in that state only during March 16 through December 31, inclusive.

Therefore, we are proposing to allow okra produced in the Dominican Republic to be moved into California, without treatment for the pink bollworm, except during March 16 through December 31, inclusive. Also, we are proposing to allow okra produced in the Dominican Republic to be moved into Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, or any part of Illinois, Kentucky, Missouri, or Virginia south of the 38th parallel, without treatment for the pink bollworm, except during May 16 through November 30, inclusive.

Miscellaneous

We propose to add five definitions as follows:

"Enter into the United States": To introduce into the commerce of the United States after release from government detention.

"Import into the United States": To bring within the territorial limits of the United States.

"Port of arrival": The first place at which a carrier containing okra stops to unload cargo after coming within the territorial limits of the United States.

"Permit": A document issued for an article by Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture, stating that the article is eligible for importation into the United States.

"United States": The several states of the United States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, and all territories and possessions of the United States."

Where now the regulations allow the "entry" of okra into the United States if it is "destined to" certain areas of the United States, we propose to allow the "entry" of okra into the United States if, among other things, it is not moved into certain areas of the United States. We also propose to replace the term "port of entry" with "port of arrival." These changes appear necessary to clarify geographical restrictions on the movement of okra into and within the United States. Allowing "entry" of okra if it is "destined to" certain areas, and

prescribing certain "ports of entry" may give the impression that okra subject to the regulations may arrive in the United States at any point and transit any area of the country as long as it is entered into the commerce of the United States at certain ports or in certain geographical areas and is destined for particular areas of the United States. This is not the case because the okra would present a risk of introducing pink bollworm if moved without treatment into certain areas of the United States at certain times of the year. Moreover, to reduce the risk of okra introducing pink bollworm or other injurious insects, we propose to specify that the okra must be presented for inspection at the port of arrival (defined as proposed above).

We propose to revise the provision concerning treatment of okra for pests other than the pink bollworm. This provision is contained in § 319.56–2p(c)(6), (d)(2), and (e), but wording differences in the three paragraphs may cause confusion. Paragraph (d)(2) provides that okra is "subject to fumigation requirements if any plant pests of quarantine significance, in the judgment of the inspector, other than pink bollworm are found upon port of entry inspection * * *" In paragraphs (c)(6) and (e), however, the phrase, "other than pink bollworm" does not appear. Because of this omission, paragraphs (c)(6) and (e) could be construed to mean that the okra would be subject to fumigation for pink bollworm if that pest were found upon inspection at the port of entry. For reasons explained earlier, okra that qualifies for entry without treatment for the pink bollworm does not have to be fumigated for pink bollworm, even if pink bollworm is found upon inspection of the okra. Our proposed revision would clarify that we are concerned with pests of quarantine significance other than the pink bollworm, and that by "pests of quarantine significance" we mean injurious insects that do not exist in the United States or are not widespread in the United States. Our proposed revision also would clarify that if any of these injurious insects are found, the okra would remain eligible for entry into the United States only if treated for the insects in accordance with the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference into the Code of Federal Regulations.

We are also making nonsubstantive, editorial changes to make the regulations easier to understand.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rule would allow okra produced in the Dominican Republic to be moved into Arizona, New Mexico, Oklahoma, and Texas at any time of the year without treatment for the pink bollworm. It also would allow okra produced in the Dominican Republic to be moved into California, Nevada, and the Southeastern United States without treatment for the pink bollworm at certain times of the year. Identical provisions are in effect for okra from Mexico, making Mexico the only current source of untreated, imported okra for these states. Importers prefer untreated okra since treatment delays entry of the okra, shortens shelf life, and adds to the costs of importation.

If this proposed rule is adopted, the proximity of the Dominican Republic to the Southeastern United States could give importers in these states a convenient second source of untreated okra during the late fall, winter, and early spring. However, we know of only one entity interested in importing okra produced in the Dominican Republic into the United States without treatment for the pink bollworm. Importers in Arizona, New Mexico, Oklahoma, Texas, California, and Nevada would probably continue to buy most of their okra from Mexico. We do not expect that adoption of the proposed rule would affect the total amount of okra imported into the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR 3015, Subpart V.)

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Incorporation by reference, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, we propose to amend 7 CFR Part 319 as follows:

1. The authority citation for Part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 319.56–2p, paragraph (a)(3) would be revised by removing "and" before "(ii)", removing the period after "Agriculture" and adding in its place a semicolon; and adding five definitions to read as follows:

§ 319.56–p [Amended]

(a) * * *

(3) * * * Agriculture; (iii) "Enter into the United States" means to introduce into the commerce of the United States after release from government detention; (iv) "Import into the United States" means to bring within the territorial limits of the United States; (v) "Port of arrival" means the first place at which a carrier containing okra stops to unload cargo after coming within the territorial limits of the United States; (vi) "Permit" means a document issued for an article by Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture, stating that the article is eligible for importation into the United States; and (vii) "United States" means the several states of the United States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, and all other territories and possessions of the United States."

* * * * *

3. In § 319.56–2p, paragraph (b)(1), the phrase "(Pectinophoragossypiella (Saund.)" would be revised to read "(*Pectinophora gossypiella* (Saunders)".

4. In § 319.56–2p, paragraph (b)(6), "as a condition of importation will be limited to entry" would be revised to

read "for the pink bollworm may be imported into the United States only"; and "as a condition of importation will be enterable" would be revised to read "for the pink bollworm may be imported into the United States".

5. In § 319.56–2p, paragraph (c) would be revised to read as follows:

* * * * *

(c) *Importations of okra without treatment from Mexico and the Dominican Republic.* Okra produced in Mexico or the Dominican Republic may be entered into the United States without treatment for the pink bollworm only if:

(1) The okra is imported from the Dominican Republic or Mexico under permit;

(2) The okra is made available for examination by an inspector at the port of arival and remains at the port of arrival until released by an inspector;

(3) During March 16 through December 31, inclusive, the okra is not moved into California; and

(4) During May 16 through November 30, inclusive, the okra is not moved into Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, Tennessee, or any part of Illinois, Kentucky, Missouri, or Virginia south of the 38th parallel.

* * * * *

6. In § 319.56–2p, paragraph (d), the paragraph designation "(1)" would be removed; "may enter" would be revised to read "may be imported into"; "port of entry" would be revised to read "port arrival; "fumigation" would be revised to read "treatment"; "except as provided in paragraph (d)(2) of this section" would be revised to read "for the pink bollworm"; and paragraph (d)(2) would be removed.

7. In § 319.56–2p, paragraph (e), "may enter" would be revised to read "may be imported into"; "fumigation" would be revised to read "treatment"; "port of entry" would be revised to read "port of arrival"; and the last sentence would be removed.

8. In § 319.56–2p, a new paragraph (f) would be added to read as follows:

* * * * *

(f) *Treatment of okra for pests other than pink bollworm.* If, upon examination of okra imported in accordance with paragraphs (c), (d), or (e) of this section, an inspector at the port of arrival finds injurious insects, other than the pink bollworm, that do not exist in the United States or are not widespread in the United States, the okra will remain eligible for entry into the United States only if it is treated for the injurious insects in the physical presence of an inspector in accordance with the Plant Protection and Quarantine Treatment Manual. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. See § 300.1 of this chapter, "Materials incorporated by reference." If the treatment authorized by the Plant Protection and Quarantine Treatment Manual is not available, or if no authorized treatment exists, the okra may not be entered into the United States.

Done in Washington, DC this 19th day of October, 1988.

Lary B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88–24480 Filed 10–21–88; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Flow Control Conditions for the Standby Liquid Control System in Boiling Water Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The NRC is proposing to amend its regulations concerning the flow control conditions for the standby liquid control system in a boiling water reactor. The proposed rule would set forth conditions and considerations for determining the reactivity control capacity of a BWR standby liquid control system. The proposed changes are necessary to clarify the existing regulation.

DATE: Comment period expires December 23, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to those comments received on or before this date.

ADDRESSES: Mail written comments to the Secretary: U.S. Nuclear Regulatory Commission, Washington, DC 20555; ATTN: Docketing and Service Branch. Deliver comments to 11555 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m. weekdays. Copies of comment received may be examined at the NRC Public Document Room (PDR) at 2120 L Street NW., Washington, DC, lower level.

FOR FURTHER INFORMATION CONTACT: William R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–3764.

SUPPLEMENTARY INFORMATION: On June 26, 1984, the Commission published in the **Federal Register** (49 FR 26036) a final rule entitled "Reduction of Risk from Anticipated Transients Without Scram (ATWS) Events for Light-Water-Cooled Nuclear Power Plants," which revised the regulations in 10 CFR Part 50. The final rule required, at § 50.62(c)(4), that boiling water reactors have a standby liquid control system (SLCS) with a minimum flow rate and boron content equivalent in [reactivity] control capacity to 86 gallons per minute (gpm) of 13 weight percent of sodium pentaborate solution. The rule did not specify the size of the reactor pressure vessel (RPV) into which this solution should be injected. Questions have been raised, especially from licensees with a smaller RPV, concerning the interpretation of the phrase, "equivalent in control capacity." On January 28, 1985, a generic letter that provided clarification of this phrase was issued to appropriate licensees (PDR accession number 8501290633). This letter provided the basis for the flow rate and weight percent of sodium pentaborate decahydrate and described how equivalency could be achieved for a smaller RPV. The staff considers the contents of this letter, which were derived from the underlying materials considered when the rule was developed, to be technically correct. The letter is applicable to BWRs with (1) volume of water in the suppression pool per megawatt of core power ratios, (2) reactivity control systems, and (3) core designs similar to currently licensed BWR/1–6 designs. The language used in the existing rule is unclear and subject to differing interpretations. The staff proposes to clarify the language to more precisely reflect the underlying technical bases.

The standby liquid control system (SLCS) is designed to meet the requirements of general design criterion (GDC) number 26 of Appendix A to Part 50. GDC 26 states, "Two independent reactivity control systems of different design principles shall be provided. One of the systems shall use control rods, preferably including a positive means for inserting the rods, and shall be capable of reliably controlling reactivity changes to assure that under conditions of normal operation, including anticipated operational occurrences, and with appropriate margins for malfunctions such as stuck rods, specified acceptable fuel design limits are not exceeded. The second reactivity control system shall be capable of reliably controlling the rate of reactivity changes resulting from planned, normal

power changes (including xenon burnout) to assure acceptable fuel design limits are not exceeded. One of the systems shall be capable of holding the reactor core subcritical under cold conditions." In the case of a boiling water reactor, the second reactivity control system is the SLCS. In addition, the SLCS is used to reduce risk from ATWS.

The SLCS consists of a tank containing the sodium pentaborate decahydrate solution, two pumps, control instrumentation, appropriate piping, and means for testing the system without injecting the borate solution into the RPV. Sodium pentaborate decahydrate ($NA_2B_{10}O_{16}10H_2O$) solution is prepared from a mixture of borax and boric acid dissolved in water. The solution nominally is a 13 weight percent solution of sodium pentaborate decahydrate in which the boron-10 isotope is at natural abundance (about 19.78%). A description of the SLCS and its functions is given in the General Electric Co. document NEDO–24222 (80 NEDO 21, Class I, February 1981), entitled "Assessment of BWR Mitigation of ATWS, Volume I (NUREG–0406, Alternate No. 3)," sections 3.2, 6.1.3, and 7.2.10.

The important parameters for reactivity control are the concentration of the boron-10 isotope (which has a large thermal neutron capture cross-section) in the RPV cooling water and the time required to achieve this concentration. These parameters are in turn dependent upon the RPV volume (and therefore RPV inside diameter), boron injection flow rate, boron solution concentrtion, and boron-10 isotopic enrichment level. The standard that is specified in § 50.62(c)(4), (86 gpm of 13 weight percent sodium pentaborate solution) assumes a boron-10 isotopic enrichment at the naturally occurring level and was intended to represent the reactivity control achieved for a BWR core design in a RPV with an inside diameter of 251 inches. Safety analyses show however, that equivalent reactivity control is achieved for a given core design in a different size RPV when the same boron-10 isotope concentration is provided within that RPV. Hence for a given core design, any combination of injection rate, boron solution concentration level, boron-10 isotopic enrichment level, and RPV volume that results in the same boron-10 concentration level within that RPV will provide reactivity control equivalent to the standard. For example, 16.5 gpm of 26 weight percent sodium pentaborate solution enriched to twice the natural level of boron-10 content injected into a 218 inch inside diameter RPV provides reactivity control equivalent to the standard.

If sodium pentaborate decahydrate solution enriched in the boron-10 isotope is used, procedures should be established to assure proper disposal of the non-enriched solution and ensure that the boron-10 isotope concentration in the new solution is sufficient to shut down the reactor.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(2). Thus, neither an environmental impact statement nor an environmental assessment has been prepared.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget under control number 3150–0011.

Regulatory Analysis

Since this proposed rule is of a clarifying nature and does not substantially change existing regulatory requirements, the regulatory analysis prepared for the final rule entitled "Reduction of Risk from Anticipated Transients Without Scram (ATWS) Events for Light-Water-Cooled Nuclear Power Plants," published June 26, 1984 (49 FR 26036) is still valid and will be used for this rule. The analysis is available for inspection in the Public Document Room, 2120 L Street NW., Washington, DC, Lower Level. Single Copies of the analysis may be obtained from William R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3764.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities and that therefore a regulatory flexibility analysis need not be prepared. This rulemaking action would affect only licensees that own and operate nuclear utilization facilities licensed under sections 103 and 104 of the Atomic Energy Act of 1954, as amended. These licensees do not fall within the definition of small businesses set forth in Section 3 of the Small Business Act (15 U.S.C. 632) or within the Small Business Size Standards set forth in the regulations issued for the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, that a backfit analysis is not required, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is proposing to adopt the following amendment to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.23, 50.35, 50.55, and 50.56, also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 5092 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.103 also issued under sec.

108, 68 Stat. 939, as amended (42 U.S.C. 2138). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958 as amended (42 U.S.C. 2273); §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54 and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.9, 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.62, paragraph (c)(4) is revised to read as follows:

§ 50.62 Requirements for reduction of risk from anticipated transients without scram (ATWS) events for light-water-cooled nuclear power plants

* * * * *

(c) * * *

(4) Each boiling water reactor must have a standby liquid control system (SLCS) with the capability of injecting into the reactor pressure vessel a borated water solution at such a flow rate, level of boron concentration and boron-10 isotope enrichment, and accounting for reactor pressure vessel volume, that the resulting reactivity control is at least equivalent to that resulting from injection of 86 gallons per minute of 13 weight percent sodium pentaborate decahydrate solution at the natural boron-10 isotope abundance into a 251 inch inside diameter reactor pressure vessel for a given core design. The SLCS and its injection location must be designed to perform its function in a reliable manner. The SLCS initiation must be automatic and must be designed to perform its function in a reliable manner for plants granted a construction permit after July 26, 1984, and for plants granted a construction permit prior to July 26, 1984, that have already been designed and built to include this feature.

* * * * *

Dated at Rockville, Maryland, this 12th day of October 1988.

Victor Stello, Jr.

Executive Director for Operations.

[FR Doc. 88-24490 Filed 10-21-88; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 52

Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: On August 23, 1988 (53 FR 32060), the NRC published for public comment a proposed rule which would provide for issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power plants. The comment period for this proposed rule was to have expired on October 24, 1988. However, several organizations and individuals have requested, or have otherwise expressed an interest in, an extension of the comment period. Moreover, the agency faces certain exigencies of scheduling which did not arise until recently. Therefore, balancing the desirability of developing a final rule as soon as practicable against the needs of commenters and the constraints of scheduling, the NRC has decided to extend the comment period for an additional fourteen days. The extended comment period now expires on November 7, 1988.

DATES: The comment period has been extended and now expires on November 7, 1988. Comments received after this date will be considered if practical to do so, but only those comments received on or before this date can be assured of consideration.

ADDRESSES: Comments may be sent to the Secretary of the Commission, Attention: Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be hand-delivered to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 am and 4:15 pm weekdays. Copies of the comments received may be examined at the Commission's Public Document Room at 2120 L Street NW., Washington, DC, between the hours of 7:45 am and 4:15 pm weekdays.

FOR FURTHER INFORMATION CONTACT: Steven Crockett, Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-1600.

Dated at Rockville, MD, this 18th day of October 1988.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 88-24498 Filed 10-21-88; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Nondiscrimination Requirements

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Request for comments.

SUMMARY: Section 701.31 of the NCUA Rules and Regulations ("Nondiscrimination Requirements") (12 CFR 701.31) seems not to need major revision. Nevertheless, the NCUA Board, as part of its regulatory review policy, requests suggestions on possible improvements to this section, particularly ways to update or simplify the regulation, or make it more easily comprehensible for Federal credit unions ("FCU's").

DATE: Comments must be received on or before January 23, 1988.

ADDRESS: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW; Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Staff Attorney, Office of General Counsel, NCUA, at the above address, or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Section 701.31 of the NCUA Rules and Regulations (12 CFR 701.31) was originally designed to summarize for FCU's in one place the prohibitions on discrimination in real estate lending activities contained: in the Federal Fair Housing Act (41 U.S.C. 3601 *et seq.*) and Department of Housing and Urban Development regulations issued thereunder; in the Equal Credit Opportunity Act (15 U.S.C. 1691) and the Federal Reserve Board's Regulation B (12 CFR 202.1-.14) issued thereunder; and in certain major court cases interpreting these provisions.

The NCUA Board invites comments on all aspects of the regulation, particularly:

1. Whether the regulation has been a helpful resource for FCU's;

2. Whether, if so, any parts of the regulation should be updated, simplified, or made more easily comprehensible.

Regulatory Procedures

The request for comments makes no substantive changes to the current rule. Hence, neither a Regulatory Flexibility Analysis nor analysis under the Paperwork Reduction Act is required.

Executive Order 12612

Section 701.31 does not have significant federalism implications. Both federally and state chartered lenders are subject to Federal statutes affecting non-discrimination in real estate lending. This regulation explains the law and sets forth previously established guidelines for federally-chartered credit unions; it adds no new obligations.

List of Subjects in 12 CFR Part 701

Credit unions, Discrimination in real estate lending.

By the National Credit Union Administration Board on October 13, 1988.

Becky Baker,

Secretary of the Board.

[FR Doc. 88-24503 Filed 10-21-88; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Proposed amendment.

SUMMARY: This is a proposed rule to amend the existing §701.20—Surety Bond and Insurance Coverage for Federal Credit Unions ("FCU's"). Section 701.20 sets forth the requirements for surety bond coverage for losses caused by credit union employees and officials and for general insurance coverage for losses caused by persons outside of the credit union (e.g., losses due to theft, vandalism). The proposed change would require a provision in FCU bonds assuring that surety notifies NCUA whenever bond coverage of a credit union is terminated in its entirety, or when it is terminated on an individual employee or official.

DATE: Comments must be received on or before January 23, 1989.

ADDRESS: Send comments to Becky Baker, Secretary, NCUA Board, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Robert Fenner, General Counsel, or Allan Meltzer, Assistant General Counsel, at the above address, or telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: Approved bond forms currently in use include a provision requiring that the surety notify NCUA when the bond of a Federal Credit Union is terminated in its entirety. However, there is no regulatory requirement for such notification, nor is there a requirement that the NCUA be notified in the event the bond is cancelled only as to one or more officials or employees.

When the surety bond coverage of a credit union or an individual employee or official of a credit union is terminated, NCUA, from a supervisory and regulatory perspective, clearly has an interest in the fact that coverage has been terminated and in the facts underlying the termination.

Moreover, experience has shown that in a small but significant number of cases involving termination as to an individual, the employee or official has been allowed to continue serving as before either because the officials were unaware that this continued service was contrary to the FCU Act and NCUA regulations, or because they believed such termination was wrongful. In addition, the circumstances surrounding a termination of coverage may well be of significance to NCUA in its insuring capacity by disclosing a loss or potential loss to the National Credit Union Share Insurance Fund ("NCUSIF").

The Board therefore believes that NCUA-insured credit unions will benefit if the Agency receives notification whenever coverage on an employee or official is terminated, and that the appropriate method of assuring this is to require such notification in the bond. This would allow the Board to monitor situations in which unbonded individuals might continue to serve, as well as to assure that situations which might lead to potential losses for the NCUSIF are brought to the Board's attention at the earliest possible time.

In addition, the Board proposes requiring notification by surety when the bond of a credit union as a whole is terminated. While this is presently required by the provisions of approved bond forms, a regulatory requirement will emphasize the importance the Board attaches to such notification and assure that future bond forms include such a provision.

The Board requests comments on this proposal from federally-insured credit unions, bonding companies, and other interested parties. In addition, the Board requests comments on the following specific questions:

a. Should the information received by the Board pursuant to the proposed regulation be made available to its sister Federal financial regulatory agencies? To interested federally-insured credit unions? To others?

b. Would dissemination of this information be a "routine use of such information" pursuant to the Privacy Act (12 U.S.C. 552a)?

c. Should the requirement of notification be limited only to federally-chartered credit unions? The provision in currently approved bond forms only requires that the surety notify the supervisory authority of the credit union whose bond is terminated in its entirety. Because § 741.1 of the NCUA Rules and Regulations established the requirements of § 701.20 as minimum standards for all federally-insured credit unions, the proposed rule may increase the paperwork burden on surety companies, requiring them to determine in every instance of a termination whether a state-chartered credit union is federally insured. Would application of this proposal to all federally-insured credit unions, including state-chartered institutions, impose an undue burden on surety companies by requiring them to determine which state-chartered credit unions are federally insured? Should regulation of such notification in the case of state-chartered, federally-insured credit unions be left to the discretion of the states?

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certified that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small credit unions (primarily those under $1 million in assets). The proposed rule will not impose an additional burden upon credit unions. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This proposed rule would impose two paperwork requirements. Bonding companies would need to add an additional provision in their bond forms, and, pursuant to this provision, each bonding company would need to report terminations to the NCUA Board. It seems likely that these requirements will affect less than ten surety bond companies; therefore, the requirements of the Paperwork Reduction Act do not apply.

Executive Order 12612

While §701.20 applies only to Federal credit unions, §741.1 establishes the requirements of §701.20 as minimum standards for all federally-insured credit unions. Thus, this proposed change may affect state-chartered, federally-insured credit unions. The NCUA Board, pursuant to Executive Order 12612, has determined, however, that the proposed amendment will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels

of government. Further, while the proposed amendment may affect state-chartered, federally-insured credit unions, it will not preempt provisions of state law or regulation.

List of Subjects in 12 CFR Part 701

Credit unions, Fidelity bond, Insurance coverage, Bond forms.

By the National Credit Union Administration Board on October 13, 1988.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA proposes to amend its regulations as follows:

PART 701—[AMENDED]

1. The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1755, 1756, 1757, 1759, 1761a, 1761b, 1767, 1782, 1784, 1787, 1789, and 1798.

2. It is proposed that §701.20(c) of the NCUA Rules and Regulations be revised to read as follows:

(c) Minimum Coverage; Approved Forms. Every Federal credit union will maintain bond and insurance coverage with a company holding a certificate of authority from the Secretary of the Treasury. Credit Union Blanket Bond Standard Form No. 23 of the Surety Association of America (revised to May, 1950) is considered the minimum coverage required and is approved. Credit Union Blanket Bond Forms 581 and 582 are also approved. Any other basic bond forms, and all riders and endorsements which limit the coverage provided by approved bond forms, must receive the prior written approval of the NCUA Board. Fidelity bonds must provide coverage for the fraud or dishonesty of all employees, directors, officers, and supervisory and credit committee members. Notwithstanding the foregoing, effective July 1, 1989, all bonds must include a provision, in a form approved by the NCUA Board, requiring written notification by surety to the Board: (1) When the bond of a credit union is terminated in its entirety; or (2) when bond coverage is terminated, by issuance of a written notice, on an employee, director, officer, supervisory or credit committee member. Said notification shall be sent to the Secretary of the Board or designee and shall include a brief statement of cause for termination.

[FR Doc. 88-24505 Filed 10-21-8; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 701

Treasury Tax and Loan Accounts; Federal Credit Unions Acting as Depositaries and Financial Agents of the Government

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Proposed amendments.

SUMMARY: The NCUA Board, under its policy to review its regulations periodically, is proposing to revise §§ 701.37-1 ("Treasury Tax and Loan Accounts") and 701.37-2 (Federal Credit Unions Acting as Depositaries and Financial Agents of the Government"). The proposal is intended to clarify and simplify these regulations.

DATES: Comments must be received on or before January 23, 1989.

ADDRESS: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Timothy P. McCollum, Assistant General Counsel, or Julie Tamuleviz, Staff Attorney, Office of General Counsel, NCUA, at the above address, or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION:

Background

Sections 121 and 210 of the Federal Credit Union ("FCU") Act [12 U.S.C. 1767 and 1789a], authorize federally-insured credit unions to serve as depositaries and financial agents of the United States subject to regulation by the United States Treasury Department. In Parts 202, 203, and 214 of 31 CFR, the Treasury Department has set forth the current eligibility requirements for a financial institution to be designated as a depositary and financial agent, a Treasury tax and loan depositary, and a depositary for Federal taxes.

Section 202.2(b) of CFR Title 31 provides:

In order to be eligible for designation [as a depositary and financial agent of the U.S. Government], a financial institution [including a Federal credit union] is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in § 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.

Section 202.3(b)(1) of CFR Title 31 provides:

(1) Upon the request of a Government agency, the Secretary of the Treasury may authorize a depositary to perform other services specifically requested by the agency, including:

(i) The maintenance of official accounts in which balances will be in excess of the applicable Federal or State insurance coverage;

(ii) The maintenance of accounts in the name of the United States Treasury;

(iii) The acceptance of deposits for credit of the United States Treasury;

(iv) The furnishing of bank drafts in exchange for collections.

Section 203.3(b)(1)(ii) of CFR Title 31 states:

In order to meet Treasury requirements for designation [as a tax and loan depositary], each financial institution [including a Federal credit union] is required to possess under its charter and regulations issued by its chartering authority either general or specific authority permitting the maintenance of the tax and loan account as an account, the balance in which is payable on demand without previous notice of intended withdrawal. Each financial institution is required also to possess the authority to pledge collateral to secure Treasury tax and loan funds.

Section 214.3(b) of CFR Title 31 states:

Each financial institution designated as a Treasury tax and loan depositary under the provisions of Part 203 of this chapter is eligible for designation as a depositary for Federal taxes.

Sections 701.37-1 ("Treasury Tax and Loan Accounts") and 701.37-2 ("Federal Credit Unions Acting as Depositaries and Financial Agents of the Government") of NCUA's Rules and Regulations implement Sections 121 and 210 of the Federal Credit Union Act with respect to Federal credit unions. The regulations also provide FCU's with the authority to satisfy the eligibility requirements contained in 31 CFR Parts 202, 203 and 214.

The NCUA Board proposes to consolidate and simplify these regulations. The following section-by-section analysis describes the proposed changes to the regulations. The NCUA Board requests comment on the proposed changes and any other suggested modifications to the regulations.

Section-By-Section Analysis

Proposed Section 701.37(a)

This section sets forth the definitions of a Treasury Tax and Loan (TT&L) Remittance Account, a TT&L Note Account, a Treasury General Account, and a U.S. Treasury Time Deposit-Open Account. These definitions are currently contained in §§ 701.37-1(b)(1) and (b)(2) §§ 701.37-2(b)(2)(i) and (b)(2)(ii). The Board is proposing to amend the definition of U.S. Treasury Time Deposit-Open Account to clarify that this is a non-dividend paying account

and to reflect that Treasury may withdraw funds held in this account fourteen days after providing an FCU with notice of its intent to withdraw. The Board also proposes to amend the definition of TT&L Remittance Account to state that funds in this account are also not eligible for dividends. This information is currently contained in § 701.37–1(c).

Proposed Section 701.37(b)

This section implements the FCU authority to serve as a depositary of public money and as financial agent, depositary of Federal taxes, and a Treasury tax and loan depository. It further provides that in connection with these duties, an FCU may maintain the accounts defined in proposed § 701.37(a), pledge collateral to secure public funds, and perform the services listed in 31 CFR 202.3(b) and 203.3(b)(1)(ii).

This paragraph replaces current §§ 701.37–1 (a) and (f) and 701.37–2(a) and (b), which simply reiterate Treasury's regulations. FCU's engaging in activities under §§ 701.37–1 and 701.37–2 should, in any event, consult Treasury's regulations for a full explanation of their responsibilities.

Proposed Section 701–37(c)

This paragraph restates and clarifies the provisions found in §§ 701.37–1(e) and 701.37–2(c) regarding insurance coverage. The Board is proposing to delete the information contained in the current regulations regarding the payment of insurance premiums since this information is contained in § 741.8(d) of NCUA's Rules and Regulations.

Proposed Section 701.37(d)

This section incorporates and clarifies the provisions of §§ 701.37–1(c), 701.37–1(d), and 701.37–2(d) regarding Article III, Section 5(a) of the FCU Bylaws. The proposal provides that the TT&L Remittance Account, the TT&L Note Account, the Treasury General Account, and the U.S. Treasury Time Deposit-Open Account are not subject to the 60-day notice requirement for withdrawals that FCU boards may invoke under Article III, Section 5(a) of the Federal Credit Union Bylaws. The proposal would also clarify that the Treasury General Account is not subject to the bylaw either.

Proposed Deletions

The proposal would delete the provisions of §§ 701.37–1(d) and 701.37–2(d) stating that funds held in a TT&L Note Account or a U.S. Treasury Time Deposit-Open Account are not considered borrowings for purposes of Section 107(9) of the Federal Credit Union Act. This is implicit in proposed § 701.37(c) which would require these funds to be treated as "deposits of public funds."

The Board is also proposing to delete § 701.37–1(d).

Credit unions selecting the Note Option under 31 CFR Part 203.9 may hold funds in a TT&L Note Account in accordance with Department of Treasury Regulations. Funds held in the credit union's TT&L Note Account shall bear interest at the rate specified in the Department of Treasury Regulations.

Since proposed § 701.37(b) authorizes an FCU to maintain a TT&L Note Account subject to Treasury Department regulation, the Board believe it unnecessary to retain this information in the regulation.

Finally, the proposed amendments would eliminate § 701.37–2(e), which provides that the sum of the accounts held in the Treasury General Account and U.S. Treasury Time Deposit-Open Account shall not exceed 10 per centum of the total assets of the credit union. In 1983, the NCUA Board eliminated a similar restriction on the amounts that may be held in an FCU's tax and loan account, concluding that the amounts held in this account should be left to the discretion of an FCU's board of directors. 48 FR 55423 (December 13, 1983). The Board believes similar reasoning suggests lifting the restriction on the amounts that can be held by an FCU acting as a depositary of public money or a financial agent of the United States.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that the proposed amendments, if made final, would not have a significant impact on a substantial number of small credit unions. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The proposed amendments would not impose any paperwork requirements.

Executive Order 12612

The proposed amendments would not affect state regulation of credit unions. They would apply only to Federal credit unions.

List of Subjects in 12 CFR Part 701

Credit unions; Treasury tax and loan accounts; Depositaries of public money and fiscal agents.

By the National Credit Union Administration Board on October 13, 1988.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA proposes to amend its regulations as follows:

PART 701—[AMENDED]

1. That the authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. §§ 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789, and 1798.

Section 701.31 is also authorized by 15 U.S.C. 1601 et seq., 42 U.S.C. § 1981 and 42 U.S.C. §§ 3601–3610.

§§ 701.37–1 and 701.37–2 [Removed]

2. That §§ 701.37–1 and 701.37–2 be removed.

3. That new § 701.37 provide as follows:

§ 701.37 Treasury Tax and Loan Depositaries; Depositaries and Financial Agents of the Government.

(a) *Definitions.*

(1) "Treasury Tax and Loan ("TT&L") Remittance Account" means a non-dividend paying account, the balance of which is subject to the right of immediate withdrawal, established for receipt of payments of Federal taxes and certain United States obligations under United States Treasury Department regulations.

(2) "TT&L Note Account" means an account subject to the right of immediate call, evidencing funds held by depositaries electing the note option under United States Treasury Department regulations.

(3) "Treasury General Account" means an account, established under United States Treasury Department regulations, in which a zero balance may be maintained and from which the entire balance may be withdrawn by the depositor immediately under all circumstances except closure of the credit union;

(4) "U.S. Treasury Time Deposit-Open Account" means a non-dividend bearing account, established under United States Treasury Department regulations, which generally may not be withdrawn until the expiration of 14 days after the date of the United States Treasury Department's written notice of intent to withdraw.

(b) Subject to regulation of the United States Treasury Department, a Federal credit union may serve as a Treasury tax and loan depositary, a depositary of Federal taxes, a depositary of public money, and a financial agent of the United States Government. In serving in

these capacities, a Federal credit union may maintain the accounts defined in Subsection (a), pledge collateral, and perform the services described under United States Treasury Department regulations for insititutions acting in these capacities.

(c) Funds held in a TT&L Remittance Account, a TT&L Note Account, a Treasury General Account, and a U.S. Treasury Time Deposit-Open Account shall be considered deposits of public funds. Funds held in a TT&L Remittance Account and a TT&L Note Account shall be insured up to a maximum of $100,000 in the aggregate. Funds held in a Treasury General Account and a U.S. Treasury Time Deposit-Open Account shall be insured up to a maximum of $100,000 in the aggregate.

(d) Funds held in a TT&L Remittance Account, a TT&L Note Account, a Treasury General Account, and a U.S. Treasury Time Deposit-Open Account are not subject to the 60-day notice requirement of Article III, section 5(a) of the Federal Credit Union Bylaws.

[FR Doc. 88-24504 Filed 10-21-88; 8:45 am]
BILLING CODE 7535-01-M

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12 CFR Part 701

Loan Participation; Purchase, Sale, and Pledge of Eligible Obligations

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Request for comments.

SUMMARY: The NCUA Board, as part of its ongoing program of regulatory review, is considering updating its credit union loan disposition and risk sharing policy, particularly §§ 701.22 [12 CFR 701.22] ("Loan Participation") and 701.23 [12 CFR 701.23] ("Purchase, Sale, and Pledge of Eligible Obligations") of its regulations. The Board requests suggestions on what changes are needed to give Federal credit unions ("FCU's") the flexibility needed to prosper under current market conditions. For example, NCUA is asking for comment on these matters:

1. Is the current working definition of "participation loan" in § 701.22(a)(1) satisfactory?

2. Should the term "credit union organization" in § 701.22(a)(4) be redefined as "an organization satisfying the requirements of § 701.27?"

3. Are the regulatory restrictions on loan participation and purchase, sale and pledge of eligible obligations: (a) unclear, (b) too complex? If so, how should they be changed?

4. Do the current differences in regulation between participation loans and purchase, sale and pledge of loans continue to make sense in today's economic environment?

5. Does NCUA's current regulatory structure on participation loans and purchase, sale, and pledge of eligible obligations: (a) Limit FCU ability to make good loans to members; (b) create unnecessary liquidity problems for some FCU's; (c) force too much of an FCU's assets into lower yielding investments?

6. What safety-and-soundness limits should be placed on an FCU's purchase of or risk-sharing in loans made by other credit unions?

7. Should different standards apply to natural person FCU's and to corporate FCU's?

The Board will consider all other suggestions to improve its current regulatory guidance in this area.

DATE: Comments must be received on or before January 23, 1989.

ADDRESS: Send comments to Becky Baker, Secretary, NCUA Board, National Credit Union Administration, 1776 G Stret NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Timothy P. McCollum, Assistant General Counsel, or Julie Tamuleviz, Staff Attorney, at the above address or telephone: (202) 357-1030.

SUPPLEMENTARY INFORMATION

Statutory Background

FCU power to acquire, dispose of, or assign a portion of the risk on member loans primarily comes from three provisions in the FCU Act. Section 107(5)(E) of the Act [12 U.S.C. 1757(5)(E)] states:

> [An FCU shall have power] * * * to participate with other credit unions, credit union organizations, or financial organizations in making loans to credit union members in accordance with the following: * * * (E) Participation loans with other credit unions, credit union organizations, or financial organizations shall be in accordance with written policies of the board of directors. *Provided,* That a credit union which originates a loan for which participation arrangements are made in accordance with this subsection shall retain an interest of at least 10 per centum of the face amount of the loan.

Section 107(13) of the FCU Act [12 U.S.C. § 1757(13)] authorizes an FCU:

> in accordance with rules and regulations prescribed by the [NCUA] Board, to purchase, sell, pledge, or discount or otherwise receive or dispose of, in whole or in part, any eligible obligations (as defined by the [NCUA] Board) of its members . . . . but no purchase may be made under authority of this paragraph if, upon the making of that purchase, the aggregate of the unpaid balances of notes purchased under authority of this paragraph would exceed 5 per centum of the unimpaired capital and surplus of the credit union.

Section 107(14) [12 U.S.C. § 1757(14)] gives an FCU power:

> to sell all or a part of its assets to another credit union, to purchase all or part of the assets of another credit union and to assume the liabilities of the selling credit union and those of its members subject to regulations of the [NCUA] Board.

This provision was adopted primarily "to provide additional latitude to a credit union suffering a bona fide liquidity crisis." 43 FR 51610 (Novemer 6, 1978).

Regulatory Interpretation of the Term "Participation."

When § 701.22 was first issued [43 FR 51610 (Novemer 6, 1978)], the NCUA Board discussed the term "participation":

> The term "participation" is not a precise term in commercial law and practice. It is used at different times to refer to arrangements made prior to or at the time of orgination, to refer to arrangements made subsequent to origination, and to refer to arrangements made without regard to the time of origination. In granting Federal credit unions the power to participate in making loans to members, Congress was using the term "participation" to mean arrangements made prior to or at the time of orgination and carried out within a reasonable time thereafter. Thus, 107(13) was adopted to allow Federal credit unions to sell certain loans subsequent to origination . . .

In 1981, the Board modified its view slightly [46 FR 31660 (June 17, 1981)]:

> The participation regulation applies where a third party funnels funds into the credit union with the intent of actually participating in making the loan, for example, where the participant will assist in preparing the loan documentation and the participant's funds will actually be disbursed at origination. The participation regulation does not apply when an organization merely arranges to purchase loans subsequently originated by the credit union.

The Board invites comments which may lead: To a more comprehensive and up-to-date definition of the term; to regulation which reflects not simply when the agreement was entered into but the risks assigned and undertaken, and to a regulation of participation loans which fits better into NCUA's general guidance on asset acquisition and disposition.

Regulatory Interpretation of the Term "Credit Union Organization"

Section 701.22(a)(4) defines "credit union organization" as:

> any organization as determined by the Board, established primarily to serve the daily operational needs of its member credit

unions. The term does not include trade associations, membership organizations principally composed of credit unions, or corporations or other businesses which principally provide services to credit union members as opposed to corporations or businesses whose business relates to the daily in-house operation of credit unions.

The Board requests comments on whether the term "credit union organization" should be redefined as "an organization satisfying the requirements of § 701.27 of NCUA's Rules and Regulations [12 CFR 701.27] regarding FCU investment in and loans to credit union service organizations." This is in accord with NCUA's interpretation of the term "credit union organization" contained in section 107(5)(D) of the FCU Act [12 U.S.C. 1757(5)(D)], which authorizes FCU loans to credit union organizations. Loans to credit union organizations pursuant to section 107(5)(D) of the FCU Act are subject to § 701.27 of NCUA's regulations. Such a change would also broaden FCU authority to engage in loan participations with credit union organizations by removing the prohibition against loan participations with credit union organizations whose principal function is to provide services to FCU members (e.g. consumer mortgage loan origination) rather than to provide services directly to FCU's.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certifies that the action being considered will not have a significant economic impact on a substantial number of small credit unions. The action being considered is directed at clarification and reduction of regulatory confusion and interpretive burdens, rather than creation of new regulatory restrictions. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The action being considered does not impose any paperwork requirements.

Executive Order 12612

The action being considered does not affect state regulation of state-chartered credit unions.

List of Subjects in 12 CFR Part 701

Loan participation; Participation; Eligible obligations; Purchase, sale and pledge of eligible obligations.

By the National Credit Union Administration Board on October 13, 1988.

Becky Baker,

Secretary, NCUA Board.

[FR Doc. 88-24502 Filed 10-21-88; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 711

Management Official Interlocks

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Request for comments.

SUMMARY: Pursuant to NCUA's regulatory review program, public comment is requested concerning amendments to NCUA's Management Official Interlocks regulation. The intent of the review is to simplify and reduce the regulatory burden on Federal credit unions. The NCUA Board requests suggestions on what changes, if any, are needed to give credit unions greater management flexibility to meet present market conditions. Although the effect of this regulation on FCU's is already fairly limited, the Board requests comments, for example, on the following:

1. Can the regulation's definitions be amended to increase clarity and simplicity?

2. Should the permitted interlocking relationships be expanded to include situations not presently addressed? The Depository Institution Management Interlocks Act currently permits interlocks between credit unions. 12 CFR 711.4(a)(4): Moreover, the Board has by regulation exempted interlocks in the following situations (12 CFR § 711.4(b)(1)–(5): (a) Organizations in low income areas; (b) minority or women's organizations; (c) newly chartered organizations; (d) organizations faced with conditions endangering safety and soundness; (e) a credit union sponsored by another depository organization; and, (f) organizations facing a loss of management officials due to changes in circumstances.

(3) Should corporate FCU's be treated differently from natural person credit unions?

DATE: Comments must be received on or before January 23, 1989.

ADDRESS: Send comments to Becky Baker, Secretary, NCUA Board, National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Roy DeLoach, NCUA, Office of General Counsel, 1776 G Street NW., Washington, DC 20456, telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION:

Statutory Background

The Depository Institution Management Interlocks Act ("Interlocks Act") was enacted as title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. No. 95–630, 12 U.S.C. 3201 *et seq.*) The general purpose of the Interlocks Act and NCUA's Regulation issued thereunder (12 CFR Part 711) is to foster competition among depository institutions, depository holding companies, and their affiliates by limiting management official interlocks between unaffiliated organizations. Basically, the Interlocks Act prohibits financial institutional management interlocks within the same relevant metropolitan statistical area ("RMSA") or, in areas outside a RMSA, in the same community. The Interlocks Act also has a prohibition based on financial institution asset size regardless of geographic area. NCUA administers the Interlocks Act with respect to federally-insured credit unions.

The Interlocks Act was enacted by Congress when there was a perceived need to infuse more competition in the financial market. *see* [1978] U.S. Code Cong. & Ad. News, 9286. With automobile manufacturer financing and an emerging national market for home loans, competition in the financial markets is increasing greatly. Congress undoubtedly foresaw this possibility when it granted NCUA and the other Federal financial institution regulators some flexibility in the Interlock Act.

Flexibility Granted NCUA in the Interlocks Act

Section 209 of the Interlocks Act [12 U.S.C. 3207] provides:

> Rules and regulations to carry out this chapter, including rules or regulations which permit service by a management official which would otherwise be prohibited by section 3202 or section 3203 if this title, may be prescribed by—
>
> * * * * *
>
> (5) The National Credit Union Administration with respect to credit unions the account of which are insured by the National Credit Union Administration.

The legislative history concerning this section provides that ([1978] U.S. Code Cong. 8 Ad. News, 9286):

> [r]ules and regulations, including rules and regulations to permit interlocks otherwise prohibited, may be prescribed by the five depository institution regulatory agencies for the institutions they regulate. Thus, the agencies will have authority to exempt

interlocks from the prohibitions of the title if the agency establishes that such an exemption has a pro-competitive effect.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certifies that amendments resulting from this Request for Comments will not have a significant economic impact on a substantial number of small credit unions because any resulting changes are directed at clarification of present regulations rather than creation of new regulatory restrictions. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

Any amendment resulting from this Request for Comments will not contain any paperwork requirements.

Executive Order 12612

Any amendment resulting from this Request for Comments will not affect state regulation of credit unions.

List of Subjects in 12 CFR Part 711

Credit Union, Management Official Interlocks Act.

By the National Credit Union Administration on October 13, 1988.

Becky Baker,

Secretary, NCUA Board.

[FR Doc. 88-24501 Filed 10-21-88; 8:45 am]

BILLING CODE 7535-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 257 and 258

Solid Waste Disposal; Report to Congress: Solid Waste Disposal in the United States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Report to Congress on Solid Waste Disposal in the United States.

SUMMARY: The EPA is today announcing the availability of the Report to Congress on Solid Waste Disposal in the United States. EPA prepared this report in response to the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. The report includes information on characteristics and management practices of Subtitle D (nonhazardous) wastes, characteristics of Subtitle D land disposal facilities, and Federal and State Subtitle D regulatory programs. Conclusions regarding the adequacy of the current Federal Subtitle D criteria (CFR Part 257) as well as recommendations for Federal, State, and local action are presented. This report to Congress is one of the support documents for the recently proposed criteria for municipal solid waste landfills (53 FR 33313, August 30, 1988) and therefore, has been added to the record supporting the proposed criteria.

ADDRESSES: This report is available for viewing at all EPA libraries and in the EPA RCRA docket room, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, from 9:30 am to 3:30 pm, Monday thru Friday, except legal holidays; telephone: (202) 475-9327. The public may copy a maximum of 50 pages of material from any regulatory docket at no cost. Additional copies cost 20 cents per page. The document may be purchased from the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, at (703) 487-4600: "Report to Congress: Solid Waste Disposal in the United States", Volume I (EPA/530-SW-88-011, NTIS No: PB89-110381) and Volume II (EPA/530-SW-88-011B, NTIS No: PB89-110399).

FOR FURTHER INFORMATION CONTACT: For general information and/or a copy of the Executive Summary (EPA/530-SW-88-011A), call the RCRA Hotline at (800) 424-9346 or (202) 382-3000. For technical information on the report, contact Susan Mooney, Office of Solid Waste (OS-323), U.S. Environmental Protection Agency, 401 M Street SW, Washington DC 20460, (202) 382-5649.

SUPPLEMENTARY INFORMATION: In 1979, under authority of sections 1008(a)(3) and 4004(a) of Subtitle D of the Resource Conservation and Recovery Act (RCRA), EPA promulgated "Criteria for Classification of Solid Waste Disposal Facilities and Practices" (40 CFR Part 257). The Criteria include environmental performance standards for determining which solid waste disposal facilities and practices pose a reasonable probability of adverse effects on human health or the environment. Facilities that violate the Criteria are considered "open dumps". The Criteria are enforced by States or through citizen suits.

In 1984, Congress passed the Hazardous and Solid Waste Amendments (HSWA), including provisions regarding the Subtitle D regulatory program. Sections 4010(a) and (b) of RCRA, which were added by HSWA, require EPA to conduct a study and submit a report to Congress addressing whether the current Criteria (40 CFR Part 257) are adequate to protect human health and the environment from ground-water contamination, and whether additional authorities are needed to enforce the Criteria. Further, section 4010(c) requires EPA to revise the Criteria for facilities that may receive hazardous household waste or small quantity generator hazardous waste. In response to these statutory mandates, EPA has recently proposed revised criteria for municipal solid waste landills (53 FR 33313, August 30, 1988) and is today issuing the Report to Congress on Solid Waste Disposal in the United States.

Some of the major research efforts undertaken for this report to Congress include a mail survey of municipal solid waste landfill owners and operators, a telephone survey of industrial facility owners and operators, and an analysis of risks posed by municipal solid waste landfills. Other major efforts, including a census of the State Subtitle D programs, an examination of municipal solid waste, household hazardous waste, and small quantity generator hazardous waste characteristics, and a review of Subtitle D facilities on the National Priorities List were previously summarized in the "Subtitle D Study Phase I Report" (EPA/530-86-054, NTIS No: PB-87-116-810) that was completed in October 1986. These data are also included in the report to Congress.

The report to Congress is organized in two volumes. Volume I contains the conclusions and recommendations of the report as well as the Executive Summary. Volume II contains all of the descriptive data on which the conclusions and recommendations are based. Within Volume II, Chapter 1 provides the statutory background for the report. Chapter 2 summarizes the data collection efforts conducted for the report. Chapter 3 presents information on those waste types defined as Subtitle D wastes under the Resource Conservation and Recovery Act. Chapter 4 includes the data collected on the four types of Subtitle D land disposal facilities (landfills, surface impoundments, land application units, and waste piles). Finally, Chapter 5 characterizes State Subtitle D regulatory programs.

Date: October 7, 1988.

Lee M. Thomas,

Administrator.

[FR Doc. 88-24507 Filed 10-21-88; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 53, No. 205
Monday, October 24, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board (ATBCB).

ACTION: Notice of ATBCB Meeting.

SUMMARY: Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 10:00 a.m. to 12:00 noon, on Wednesday, November 2, 1988, in the Omar Bradley Conference Room, located on the 10th floor of the Veterans Administration Building, 810 Vermont Avenue, NW., Washington, DC 20420.

Items on the Agenda: Compliance and enforcement update; Air Carrier Access Act comments; public affairs plan; priorities for FY 1989 research and technical assistance; FY 1989 budget reprogramming; 1989 Board meeting schedule—dates and locations; FY 1988 annual report; and, an Environmental Sensitivities presentation.

DATE: Wednesday, November 2, 1988—10:00 a.m.–12:00 noon.

ADDRESS: Veterans Administration Building, 810 Vermont Avenue NW., Omar Bradley Conference Room, 10th floor, Washington, DC 20420.

The Technical Programs, Planning and Budget, and Executive Committees of the ATBCB will meet on Tuesday, November 1, 1988, from 9:30 a.m. to 5:00 p.m. at the ATBCB staff offices, Suite 501, located at 1111 18th Street, NW., Washington, DC 20036–3894.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Special Assistant for External Affairs, (202) 653–7848 (voice or TDD), or Barbara A. Gilley, Administrative Officer, (202) 653–7834 (voice or TDD).

Thomas G. Deniston,
Acting Executive Director.

[FR Doc. 88–24601 Filed 10–21–88; 8:45 am]
BILLING CODE 6820–BP–M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Southern States Community College RC&D Measure, Ohio

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Southern States Community College RC&D Measure, Highland County, Ohio.

FOR FURTHER INFORMATION CONTACT: Joseph C. Branco, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614)–469–6962.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impact on the environment. As a result of these findings, Joseph C. Branco, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for critical area treatment on the Southern States Community College campus involving two gullies and two acres of eroding open area. Planned works of improvement include the installation of 1,000 feet of grassed waterway, three grade stabilization structures, and two acres of critical area seeding.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Joseph C. Branco.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development Program—and is subject to the provisions of Exeuctive Order 12372 which requires intergovernmental consultation with state and local officials.)

Joseph C. Branco,
State Conservationist.
October 17, 1988.

[FR Doc. 88–24475 Filed 10–21–88; 8:45 am]
BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 394]

Resolution and Order Approving the Application of the City of San Diego, CA, for a Foreign-Trade Zone in San Diego

Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of San Diego, California, filed with the Foreign-Trade Zones Board (the Board) on May 12, 1987, and amended on October 14, 1987, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone at five sites in the Otay Mesa planning areas of San Diego, within the San Diego Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

subject to a 500-acre activation limit at the Brown Field site.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in San Diego, California

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of San Diego, California (the Grantee) has made application (filed May 12, 1987, FTZ Docket 5–87, 52 FR 20634, and amended on October 14, 1987, 52 FR 39673) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in San Diego, California, within the San Diego Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 153, at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also the following express conditions and limitations:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necesary permits from federal, state, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The grant does not include authority for manufacturing, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 14th day of October, 1988, pursuant to Order of the Board.

Foreign-Trade Zones Board.

C. William Verity,

Chairman and Executive Officer.

[FR Doc. 88–24513 Filed 10–21–88; 8:45 am]

BILLING CODE 3410-DS-M

International Trade Administration

Antidumping and Countervailing Duty Proceedings; Procedures for Review of Calculations and Correction of Ministerial Errors

ACTION: Notice of renewal of procedures for review of calculations and correction of ministerial errors.

SUMMARY: The Department of Commerce is renewing its current procedures for correcting clerical errors in final determinations in antidumping and countervailing duty investigations and in the final results of administrative reviews, after disclosure of all relevant information to parties to the proceeding that request disclosure.

DATE: This procedure will be effective October 24, 1988.

COMMENTS: Comments on these procedures should be submitted in writing as early as is practicable, but no later than 60 days from October 24, 1988.

ADDRESS: Address written comments (10 copies) to Jan W. Mares, Assistant Secretary, Import Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Jan W. Mares, Assistant Secretary, Import Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377–1780.

SUPPLEMENTARY INFORMATION: By notice published February 26, 1988, the Department announced temporary procedures for the review of calculations and correction of clerical errors in antidumping and countervailing duty proceedings (53 FR 5813). These procedures were given a six-month expiration date of August 26, 1988. The notice of these procedures stated that the Department would "at the end of the six month period * * * review the implementation of these procedures based on its experience and on comments received." (53 FR 5814).

The Department now renews these procedures with the following clarification. (See 53 FR 5813 for a complete description of procedures). Ministerial errors, as provided by section 1333 of the Omnibus Trade and Competitiveness Act of 1988 ("1988 Act"), Pub. L. No. 100–418, 102 Stat. 1107 (1988), mean errors in addition, subtraction, or other arithmetic functions, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the Department considers ministerial. These procedures will remain in effect until regulations under the 1988 Act are promulgated. The public is invited to submit written comments on the procedures described in the above-referenced notice.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 88–24514 Filed 10–21–88; 8:45 am]

BILLING CODE 3510-DS-M

Office of Trade Adjustment Assistance; Petitions by Producing Firms for Determinations of Eligibility; Sanford Miller Corp et al.

Petitions have been accepted for filing on the dates indicated from the following firms: (1) Sanford Miller Corporation, 8 John Street, Lynbrooks, New York 11563, produces rectifiers and power supplies (April 1, 1988); (2) Schafer Brothers, Inc., 12300 Edison Way, Garden Grove, California 92641, producer of sofas and chairs (April 4, 1988); (3) Reppenhagen Roller Corporation, 817 Sycamore Street, Buffalo, New York 14212, producer of rollers for printing presses (April 5, 1988); (4) Webb Manufacturing Corporation, 74 Dickinson Street, Philadelphia, Pennsylvania 19147, produces canvas and nylon bags, painters hats, aprons and stuffed toys (April 5, 1988); (5) Gemini Corporation, 33 Morris Street, Springfield, Massachusetts 01105, produces children's playsuits and shirts (April 6, 1988); (6) Pride Cast Metals, Inc., 2737 Colerain Avenue, Cincinnati, Ohio 45225, producer of pump parts for liquids, hose fittings and other miscellaneous metal parts (April 6, 1988); (7) R.E. Dietz Company, P.O. Box 4833, Syracuse, New York 13221, produces automobile lighting equipment, rear and sideview mirrors and barricade safety lights (April 6, 1988); (8) Bastian Company, 1600 North Clinton Avenue, Rochester, New York 14621, produces jewelry pins, name tags, insignias and trophies (April 7, 1988); (9) Gateway Systems Corporation, 2801 Clark Avenue, St. Louis, Missouri 63103, produces electronic scales (April 7, 1988); (10) Gallmeyer & Livingston Company, 336 Straight Avenue SW., Grand Rapids, Michigan 49504, produces tool, cutter, flat surface reciprocating grinding machines and parts (April 8, 1988); (11) Moen Manufacturing Corporation, 1085 Grant, Fenton, Michigan 48430, produces automobile balance weights for wheel drums (April 18, 1988); (12) Popular Lighting Corporation, 115 MacQuesten Parkway, Mt. Vernon, New York 10550, produces lighting fixtures and lighting fixture kits for ceiling fans (April 18, 1988); (13) Alco Spring Industries, Inc., P.O. Box 188, Chicago Heights, Illinois 60411, produces hot wound springs (April 20, 1988); (14) LDG Capital Corporation, 2345 Pembrooke Avenue, Hoffman Estates, Illinois 60195, produces computerized patient monitoring, diagnostic analysis and reporting equipment (April 27, 1988); (15) Grizzly Boot Company, Inc., 229 East Commercial Street, Anaconda, Montana 59711, produces leather and rubber work boots (April 29, 1988); (16) Woodcutters Manufacturing, Inc., 3301 East Issacs, Walla Walla, Washington 99362, produces solid fuel burning stoves and inserts (April 29, 1988); (17) Calnap Tanning Company, P.O. Box 2190, Napa, California 94558, produces leather fabric (May 3, 1988); (18) Thunder Bay Manufacturing Corporation, 666 McKinely Avenue, Alpena, Michigan 49707, produces metal stamping dies for cutting and forming for automotive and machine tool industries (May 5, 1988); (19) Crumrine Manufacturing Jewelers, Inc., 145 Catron Drive, Reno, Nevada 89512, produces belt buckles (May 6, 1988); (20) Brilliant Glass, Inc., 6140 S. Eastern Avenue, Commerce, California 90040, produces ashtrays, mugs, glassware and stemware (May 6, 1988); (21) Deansgate, Inc., 950 Polyfarre Street, New Orleans, Louisiana 70130, producer of men's coats, jackets, and slacks (May 6, 1988); (22) Control Gaging, Inc., 5200 Venture Drive, Ann Arbor, Michigan 48108, produces gauges and parts (May 9, 1988); (23) Sterling Technologies, Inc., 3232 North Mingo Road, Tulsa, Oklahoma 74116, produces computer chassis (May 10, 1988); (24) Buerk Tool & Machine Corporation, 315 Grote Street, Buffalo, New York 14207, produces work and tool holders and other parts (May 10, 1988); (25) The Benstock Co., Inc., 86 West Chippewa Street, Buffalo, New York 14203, produces men's and women's rings of precious, semiprecious synthetic stones (May 11, 1988); (26) Almco Steel Products Corporation, 59 North Oak Street Extended, Bluffton, Indiana 46714, produces motor vehicle engine brackets, differential housing covers, brake shoes, brake rotor parts and other miscellaneous motor vehicle metal parts (May 13, 1988); (27) OMI International Building, 21439 Hoover Road, Warren, Michigan 48089, produces metal automotive parts (May 13, 1988); (28) Buxton's Meat Company, 37101 Southeast Dunn Road, Sandy, Oregon 97055, processes, cuts and wraps and sell fresh and cured pork and fresh sausage, beef and beef by-products (May 13, 1988); (29) Leisure Hobby Products, Inc., 22971 "B" Triton Way, Laguna Hills, California 92653, produces battery chargers, electric motors, airplane remote control kits and 3.2 battery amp packs (May 18, 1988); (30) Seymour Electronics and Automation, Inc., Remex Division, 1335 S. Acacia, P.O. Box 34034, Fullerton, California 92634, produces punched taping products (May 18, 1988); (31) Aquanetics, Inc., 111 Milbar Boulevard, Farmingdale, New York 11735, produces oil reclamation equipment (May 24, 1988); (32) Sundancer Indian Jewelry, Inc., 5921 Office Boulevard, NE., Albuquerque, New Mexico 87109, produces watches, necklaces, earrings and bracelets (May 24, 1988); (33) Santa Fe Natives, Inc., 3215 Central NE., Albuquerque, New Mexico 87106, produces women's skirts, pants, tops, dresses and jackets (May 24, 1988); (34) Bowen Machine Products, Inc., 42 Harrison Street, Bedford, Ohio 44146, produces parts for military tanks, components for non-armed land vehicles and turbine engine parts; (35) Davis-Lynch Glass Company, P.O. Box 4268, Star City, West Virginia 26505, produces glass shades and lamp parts (May 31, 1988); (36) American Prefinish Corporation, 11615 NE. 116th Street, Kirkland, Washington 98034, produces softwood moldings for door jambs, stops, casings and bases (June 1, 1988); (37) Orange County Arrow Precision Co., Inc., 1151 East Ash Avenue, Fullerton, California 92621, produces machine parts, gears, pistons, shafts and cylindars (June 1, 1988); (38) Tech-Mark, Inc., 15452 SE. For-Mor Court, Clackamas, Oregon 97015, produces food processing ovens (June 1, 1988); (39) Rosbro Sprotswear Co., Inc., 55 Washington Street, Brooklyn, New York 11201, produces women's and girls' coats and jackets (June 3, 1988); (40) Gandy Company, 528 Gandrud Road, Owatonna, Minnesota 55060, produces pneumatic applicator equipment for automatic metering of dry materials for farm crops (June 8, 1988); (41) Haskell of Pittsburgh, Inc., 231 Haskell Lane, Verona, Pennsylvania 15147, produces metal office desks and other metal office furniture (June 6, 1988); (42) Circuline Fabrics, Inc., 1085 Willoughby Avenue, Brooklyn, New York 11221, produces women's cotton sweaters and slacks and cotton shirts and men's cotton sweaters (June 7, 1988); (43) Russell Aives Mills, Ltd., 13 Lucon Drive, Deer Park, New York 11729, produces sweaters for men, women and boys (June 7, 1988); (44) Anchor Needle Corporation, 4468 Culver Road, Rochester, New York 14622, produces parts for textile machinery (June 7, 1988); (45) M.U. Industries, Inc., 110 North Fifth Street, Minneapolis, Minnesota 66503, produces men's caps and hats (June 7, 1988); (46) Reach Elecronics, Inc., P.O. Box 308, Lexington, Nebraska 68850–0308, produces paging equipment (June 7, 1988); (47) Bordeaux, Inc., 102 East Washington, Clarinda, Iowa 51632, produces women's and girl's jogging suits, sweat shirts and culottes (June 8, 1988); (48) Customs Optics, Inc., 495 West John Street, Hicksville, New York 11801, produces eyeglass lens (June 8, 1988); (49) Richard E. Meyer & Sons,

Inc., P.O. Box 307, Montgomery, New York 12549, produces leather (June 10, 1988); (50) Valleau, Inc., 3534 63rd Street, Saugatuck, Michigan 49453, produces metal figurines and metal parts (June 13, 1988); (51) Ricke Knitting Mills, Inc., 60–41 Flushing Avenue, Maspeth, New York 11378, produces men's and women's sweaters (June 13, 1988); (52) Leighton Machine Company, 60 Rogers Street, Manchester, New Hampshire 03103, produces cylinder and dials (June 13, 1988); (53) A&Z, Inc., 15043 Califa Street, Van Nuys, California 91411, produces wood furniture (June 13, 1988); (54) Aluminum and Zinc Die Cast Co., Inc. 1152 Expressway Drive South, Toledo, Ohio 43680, produces metal parts for automobile transmissions and doors (June 24, 1988); (55) Sewtech Engineering, Inc., 10770 Rockville Street B, Santee, California 92071, produces rooftop balloons and underwater parachutes for boat anchors (June 24, 1988); (56) IR&A Corporation, 7713 Haskell Avenue, Van Nuys, California 91406, produces precious metal jewelry (June 24, 1988); (57) King Concept Corporation, 5190 W. 76th Street, Minneapolis, Minnesota 55435, produces photographic film processing equipment (June 27, 1988); (58) Davis & Sanford Company, Inc., 24 Pleasant Street, New Rochelle, New York 10802, produces tripods (June 29, 1988); (59) LMS Metal Products Ltd., 6122 Hudson Avenue, West New York, New Jersey 07093, produces belt buckles and suspender hardware (June 29, 1988); (60) Marico Enterprises, Inc., 111 Demarest Mill Road, Nanuet, New York 10954, produces waterbed sheets, conforters and mattresses (June 30, 1988); (61) Diversified Control Systems, Inc., 645 Persons Street, East Aurora, New York 14052, produces process controls for ovens and kilns (July 1, 1988); (62) Prem Industries, Inc., 15 Ensminger Road, Tonawanda, New York 14150, produces gears, gear boxes, camshafts, valves and value housings, and valve components (July 5, 1988); (63) Straus Knitting Mills, Inc., 350 Sibley Street, St. Paul, Minnesota 55101, knit trim for collars, cuffs and waist bands for outerwear and medical garment apparel (July 5, 1988); (64) ARF Products, Inc., Gardner Road, Raton, New Mexico 87740, produces radio communication and navigation eqipment (July 5, 1988); (65) Creations by Virgil, Inc., 536 Cherry Lane, Floral Park, New York 11001, produces jewelry (July 5, 1988); (66) CEC Industries Corporation, 350 West 300 South, Salt Lake City, Utah 84110, produces mineral processing equipment (July 7, 1988); (67) Stucki Embroidery Works, Inc., Route 28, Boiceville, New York 12412, produces embroidered trim and eyelet for garmets and embroidered uniforms (July 11, 1988); (68) Fulford Manufacturing Co., 65 Tripps Lane, East Providence, Rhode Island 02914, produces automotive parts and accessories, pewter miniatures and handbags parts (clasps, corness and trim) (July 11, 1988); (69) Buerk Tool & Machine Corporation, 315 Grote Street, Buffalo, New York 14207, produces metal hanger units, bushings, gear box housing, printing machine cylinders and bearings, chassis, jigs and fixtures (July 12, 1988); (70) Dynaflare Industries, Inc., cutting tools including bushings, horns dies, drills, and wheels (July 15, 1988); (71) Case Stationery Co., Inc., 179 Saw Mill River Road, Yonkers, New York 10701, produces writing paper, stationery envelops, plastic holders, clip boards, pencil sharpeners, spice racks, canisters sets, serving trays and plastic wicker baskets (July 15, 1988); (72) Trident Products, Inc., 2353 Industrial Parkway West, Hayward, California 94545, produces toilet bowel cleaners (July 18, 1988); (73) Temple-Stuart Company, Holman Street, Baldwinville, Massachusetts 01436, produces wood dining room furniture (July 18, 1988); (74) Dexta Corporation, 962 Kaiser Road, Napa, California 94558, produces surgical chairs, tables, stools, and elastic bands (July 18, 1988); (75) Al&R Knitting Mill Corp., 9 Wyckoff Avenue, Brooklyn, New York 11237, produces children's sweaters, skirts and pants (July 20, 1988); (76) Cadet Manufacturing Co., Inc., 2500 West Fourth Plain Boulevard, Vancouver, Washington 98660, produces zonal electric heaters, fan heaters and baseboard heaters (July 20, 1988); (77) Nytone, Inc., 2424 South 900 West, Salt Lake City, Utah 84119, produces photographic equipment and enuretic alarms (July 22, 1988); (78) Pennsylvania Crusher Corporation, P.O. Box 100, Broomall, Pennsylvania 19008, produces mineral and earth cleaning equipment (July 22, 1988); (79) RAG Tooling Company, P.O. Box 86, Salem, Ohio 44460, produces tool holders (fixtures for drilling, welding, bonding, etc.), multiple drill head machines, machine tools for cutting and trimming dies (July 25, 1988); (80) Tech-Mark, Inc., 15452 SE. For-Mor Court, Clackamas, Oregon 97015, produces food processing ovens (July 25, 1988); (81) Service Circuits, Inc., 607 Virginia Street SE., Albuquerque, New Mexico 87102, produces printed circuit boards, silk screening on electronic panels, and custom milling on thin metals (August 3, 1988); (82) Twoson E.S.P., Inc. 718 Massachusetts Avenue, Matthews, Indiana 46957, produces wire harnesses for the automotive and appliance industries (August 4, 1988); (83) Riteway Machine & Specialty Co., Inc., P.O. Box 948, Barnwell, South Carolina 29812, produces nuclear waste liners (August 5, 1988); (84) Graham Field Health Products, Inc., 400 Rabro Drive, Hauppauge, New York 11788, produces medical supplies (August 11, 1988); (85) Secon Metals Corporation, 7 Intervale Street, White Plains, New York 10606, produces metal wire (August 11, 1988); (86) Eagle Telephonics, Inc., 375 Oser Avenue, Hauppauge, New York 11788, produces telephone keyset system (August 11, 1988); (87) Louis Pokorny Co., Inc., 950 Johnson Avenue, Ronkonkoma, New York 11779, bed frames (August 11, 1988); (88) Shuron, Inc., P.O. Box 331, Rochester, New York 14601, produces single vision and bifocal glass lenses (August 15, 1988); (89) Combined Technologies, Inc., 1240 NE. 175th, Seattle, Washington 98155, produces electronic fish findings, marine engine test equipment, boats, and parts for trucks (August 16, 1988); (90) Marontate-Jones, Inc., 320 Terry Avenue North, Seattle, Washington 98109, produces women's coats and jackets (August 16, 1988); (Tensar Structures, Inc., 13550 Bloomingdale Road, Akron, New York 14001, produces air and tension strucures (August 16, 1988); (91) Quincy Candle Corporation, P.O. Box 4880, Syracuse, New York 13221, produces wax candles and tapers (August 17, 1988); (92) Arbeka Webbing Company, 1135 Roosevelt Avenue, Pawtucket, Rhode Island 02860, produces stretch bandages, webbing and knitted fabric for hospital use (August 17, 1988); (93) MAJ of Honolulu, Inc., 875 Waimanu Street-Suite 107, Honolulu, Hawaii 96813, produces ladies dresses (August 18, 1988); (94) Bright Light Electric Mfg. Co., Inc., 836 Logan Street, Brooklyn, New York 11208, produces Christmas tree lights and electric cords (August 19, 1988); (95) NETCO Automation, 77 Washington Street, Haverhill, Massachusetts 01832, produces automotive printed circuit board assembly equipment (August 19, 1988); (96) U.S. Tap, Inc., 800 West Clinton Street, Frankfort, Indiana 46041, produces brass sink and bath faucets and accessories, and toilet and plumbing fixtures (August 22, 1988); (97) Industrial Plastic, Inc., 680 South 28th Street, Washougal, Washington 98671, produces fish pens and other fabricated plastic products (August 25, 1988); (98) Woodcraft Industries, Inc., 6303 Rich Road SE., Olympia, Washington 98501, produces kitchen and bathroom cabinets (August 25, 1988); (99) Boulder Products, Inc. 310 Paterson Plank Road, Carlstadt, New Jersey 07072, produces vinyl film

and sheeting converter (August 25, 1988); (100) Layton Home Fashions, 1420 NW. Lovejoy Street, Portland, Oregon 97209, produces bedspreads, comforters and pillows (August 30, 1988); (101) Empire Manufacturing Co., P.O. Box 489, Winder, Georgia 30680, produces men's and women's slacks (August 31, 1988); (102) Superior Handle Finishers, Inc., P.O. Box 654, Abbeville, South Carolina 29620, produces round dowel handles (September 1, 1988); (103) Paris Manufacturing Corporation, P.O. Box 250, South Paris, Maine 04281, produces wooden sleds, wooden toboggans, plastic sleds, wooden portable cribs (September 6, 1988); (104) Dynaforce Corporation, 195 Sweet Hollow Road, Old Bethpage, New York 11804, produces strip doors (September 6, 1988); (105) U.S. Macaroni Manufacturing Co., Inc., East 601 Pacific Avenue, Spokane, Washington 99202, produces pasta and noodles (September 7, 1988); (106) Danwood Design Company, 21616 87th Avenue Southeast, Woodinville, Washington 98072, produces panels, desktops, case goods, and other office furniture (September 7, 1988); (107) I. Sommer Narrow Tape Corporation, 434 King Street, E. Stroudsburg, Pennsylvania 18301, produces woven narrow fabric textile tape and webbing of cotton or man-made fabric (September 8, 1988); (108) Minnesota Specialty Company, Inc., 119 North 4th Street, Minneapolis, Minnesota 55401, produces caps, visors, aprons and tote bags (September 8, 1988); (109) C-B Manufacturing Company, Inc., 155 West 2950 South, Salt Lake City, Utah 84115, produces toupees and wigs (September 9, 1988); (110) Continental Diversified Sales, Inc., 900 Sixth Avenue Southeast, Minneapolis, Minnesota 55414, produces backhoes, tractor loaders, for lifts and parts (September 9, 1988); (111) Gotham Plastics Company, Inc., 220 East 138th Street, Bronx, New York 20451, produces plastic mugs, trays, baskets, medical devices and picture frames (September 13, 1988); (112) R.V. Dow Enterprises, 466 Central Avenue, Rochester, New York 14605, produces pipe cleaners (September 13, 1988); (113) Kalglo Electronics Company, Inc., 6584 Ruch Road, Bethlehem, Pennsylvania 18017, produces voltage surge suppressors for computers and agricultural brooder heaters for fowl and swine , (September 16, 1988); (114) U.S. Carbide Company, Inc., 5633 Brecksville Road, Cleveland, Ohio 44131, produces machine tools, including punches, dies, reamers, counterbores, drills, abrasion test blades and other cutting tools (September 16, 1988); (115) Wind Rider, Inc., 15825 Stagg Street, Van Nuys, California 91406, produces jewelry (September 19, 1988); (116) Hawaiian Motor Company, 20710 S. Alameda, Long Beach, California 90810, produces motorized yard tools (September 19, 1988); (117) Ann Arbor Circuits, Inc., 424 West Washington Street, Ann Arbor, Michigan 48103, produces printed circuit boards (September 23, 1988); (118) Action Tool & Die Engineering, Inc., P.O. Box 301, Miamitown, Ohio 45041, produces metal-cutting extrusion and stamping dies, work holders, labeling machines, elevator and safe parts and other metal stamped parts including parts for hospital equipment and paper bag manufacturing machines (September 21, 1988); (119) Pyro Media, Inc., 7911 10th Avenue South, Seattle, Washington 98108, produces planters and pots (September 29, 1988).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618), as amended. Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involved petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

E.T. Baker,

Supervisory Eligibility Examiner, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 88–24509 Filed 10–21–88; 8:45 am]

BILLING CODE 3510-DR-M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of Open Meeting, Frequency Management Advisory Council.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 4:00 p.m. on November 14, 1988, in Room 1605 at the United States Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC (Public entrance to the building is on 14th Street between Pennsylvania Avenue and Constitution Avenue.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda items for the meeting will be:

(1) Conference Report for the ITU Conference on the Geostationary-Satellite Orbit and Planning for Space Services (ORB–88).

(2) NTIA Report—TELECOM 2000.

(3) NTIA Report—A new Measure of Spectrum Use.

(4) Policy Implications for Spectrum Use in the 1990's.

(5) Radio Frequency Radiation Exposure Issues.

The meeting will be open to public observations. A period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before November 10, 1988. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Inquires may be addressed to the Executive Secretary, FMAC, Mr. Michael W. Allen, National Telecommunications and Information Administration, Room 4099, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230, telephone 202–377–1850.

Date: October 19, 1988.

Michael W. Allen,

Executive Secretary, FMAC, National Telecommunications and Information Administration.

[FR Doc. 88–24473 Filed 10–21–88; 8:45 am]

BILLING CODE 3510–60–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene public meetings of its advisory entities as follows:

Coastal Migratory Pelagic (Mackerel) Advisory Panel—On November 14, 1988, at 1 p.m., will convene at the Howard Johnson Plaza Hotel, 700 North Westshore Boulevard, Tampa, FL, to review Amendment #3, which would prohibit the use of purse seines and run-around gillnets on Atlantic king mackerel and prohibit drift gillnets on all coastal pelagics, review Amendment #4 which would reallocate Atlantic Spanish mackerel between commercial and recreational fishermen from a ratio of 76/24 to 50/50, and review the options paper for Amendment #5 which are various measures, most of which are allocative. The public meeting will recess at 5 p.m., reconvene on November 15 at 8 a.m., and will adjourn at 3 p.m. *Texas Habitat Advisory Panel*—On November 15, 1988, at 1 p.m., will convene at the Sheraton Crest, 111 East First Street, Austin, TX, to discuss the Clean Water Act (Section 404), North American Water Fowl Plan, Gulf Intracoastal Waterway, MARPOL Treaty, and hear updates on Plaza Del Rio, Galveston Bay Navigational Study, and the Mouth of the Colorado River Diversion. The public meeting will recess at 5 p.m., reconvene on November 16 at 8:30 a.m., and will adjourn at 3 p.m.

For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228–2815.

Date: October 18, 1988.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–24526 Filed 10–21–88; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council has scheduled two public meetings of its interim Halibut Select Group (HSG) and four halibut workshops to develop recommendations to the Pacific Council regarding non-Indian halibut allocation measures for the 1989 fishing season, as follows:

Oregon and California HSG Members—will convene October 18, 1988, at 1 p.m., at the Oregon Department of Fish and Wildlife Office, Newport, OR. *Washington HSG Members*—will convene October 20 at 7 p.m., in the Commissioners Meeting Room, Clallam County Courthouse, 4th and Lincoln, Port Angeles, WA.

Oregon Workshops—One workshop will convene October 31 at 7 p.m., at the La Sells Stewart Center, Agriculture Leader Room, 875 S.W. 26th, Corvallis, OR; a second workshop will convene on November 1, at 7 p.m., at the Marine Science Center Auditorium, Newport, OR. *Washington Workshops*—One workshop will convene October 25 at 7 p.m., at the Little Theater, Peninsula Community College, Port Angeles, WA; a second workshop will convene October 27 at 7 p.m., in the auditorium of State Office Building #2, 12th and Franklin, Olympia, WA.

For further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 221–6352.

Date: October 18, 1988.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–24527 Filed 10–21–88; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Pelagics Plan Monitoring Team will convene a public meeting on October 31, 1988, at 9:30 a.m., at the Honolulu Laboratory, National Marine Fisheries Service, 2570 Dole Street, Honolulu, HI, to discuss the fishery management plan for pelagics in the Western Pacific region. The Team will review the annual report fo the Western Pacific pelagics fishery for 1987, discuss research, data and industry needs, the Saltonstall-Kennedy tuna longline project around Hawaii, and discuss any other Team business.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Date: October 19, 1988.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88–24528 Filed 10–21–88; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Request for Bilateral Textile Consultations With the Government of the People's Republic of China To Review Trade in Categories 330/630

October 19, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: October 26, 1988.

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extened on July 31, 1986; Bilateral Textile Agreement of February 2, 1988.

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the

Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, call (202) 377–3715. For information on categories on which consultations have been requested, call (202) 377–3740.

SUPPLEMENTARY INFORMATION: On September 29, 1988, the Government of the United States requested consultations with the Government of the People's Republic of China regarding cotton and man-made fiber handkerchiefs in Categories 330/630, produced or manufactured in the People's Republic of China.

A summary market statement concerning these categories follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 330/630, under the agreement with the People's Republic of China, or to comment on domestic production or availability of products included in the categories, is invited to submit 10 copies of such comments or information to James H. Babb, Chariman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textile and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements consider appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States.

The United States remains committed to finding a solution concerning Categories 330/630. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of T.S.U.S.A. numbers is available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987).

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement

Cotton and Man-Made Fiber Handkerchiefs; China; September 1988.

Summary and Conclusions

U.S. imports of cotton and man-made fiber handkerchiefs (Category 330/630) from China reached 4,083,834 dozen during the year ending July 1988, 29 percent above the 3,175,248 dozen imported a year earlier. Cotton and man-made fiber handkerchief imports from China were 3,375,124 dozen in 1987 and 2,333,003 dozen in 1986. During the first seven months of 1988, imports of cotton and man-made fiber handkerchiefs (Category 330/630) from China reached 2,779,031 dozen, 34 percent above the 2,070,321 dozen imported during the same period of 1987.

China is the major supplier of cotton and man-made fiber handkerchiefs accounting for 72 percent of total imports in the first seven months of 1988. During the January–July 1987 period China accounted for 61 percent of total imports.

The sharp and substantial increase in imports of handerchiefs (Category 330/630) remained relatively flat, fluctuating within a very narrow range declining in one year and increasing in the next. U.S. production in 1987 was flat, remaining at the 1986 level, but was two percent below the 1984 level. The share of this market held by domestic manufacturers fell from 70 percent in 1984 to 64 percent in 1987.

U.S. Imports and Import Penetration

U.S. imports of cotton and man-made fiber handkerchiefs (Category 330/360) grew 34 percent between 1984 and 1987, increasing from 4,024 thousand dozen in 1984 to 5,377 thousand dozen in 1987. During the first seven months of 1988, imports of cotton and man-made fiber handkerchiefs (Category 330/630) reached 3,705 thousand dozen, 9 percent above the level imported during the same period of 1987. The ratio of imports to domestic production increased 15 percentage points, rising from 42 percent in 1984 to 57 percent in 1987.

Duty-Paid Value and U.S. Producers' Price

The majority of China's cotton and man-made fiber handkerchiefs imports during the first seven months of 1988 entered under the following TSUSA numbers: 370.4800—cotton hemmed handkerchiefs, not fancy or figured, not colored, not over 50's average yarn number, and not ornamented; 370.6040—cotton hemmed handkerchiefs, fancy or figured, not colored, not over 50's average yarn number, and not ornamented; 370.6020—cotton hemmed handkerchiefs, fancy or figured, colored, not over 50's average yarn number, and not ornamented; and 370.8820—man-made fiber hemmed handkerchiefs, not ornamented. These handkerchiefs entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable handkerchiefs.

Committee for the Implementation of Textile Agreements

October 19, 1988.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 2, 1988, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 26, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 330/630, produced or manufactured in China and exported during the period which began on September 29, 1988 and extends through December 31, 1988, in excess of 1,200,850 dozen.

Categories 330/630 shall remain subject to the Group II limit established in the directive of December 30, 1987.

Textile products in Categories 330/630 which have been exported to the United States prior to September 29, 1988 shall not be subject to the limits established in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–24465 Filed 10–21–88; 8:45 am]

BILLING CODE 7510–10–DR

DEPARTMENT OF DEFENSE

Defense Acquisition Regulatory Council; Meetings

AGENCY: Department of Defense (DoD) National Aeronautics and Space Administration (NASA).

ACTION: Notice of Meetings.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council will travel to Cherry Hill, New Jersey, and Orlando, Florida, during the week of October 31, 1988. The Council will conduct joint Government/Industry meetings at both locations and will discuss acquisition topics of mutual interest. The Council tentatively plans presentations on the following topics: Small disadvantaged Business; Finance/Pricing; Technical Data Rights; Bid Protests; and Commercial Products and Practices. The Council will be available for questions on these and any other DAR cases or issues.

DATES: November 1, 1988 and November 3, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary DAR Council (202) 697–7266.

SUPPLEMENTARY INFORMATION: The Defense Contract Administration Services Region, Philadelphia will host the DAR Council's meeting on Tuesday, November 1st, from 7:00 am to 4:30 pm, at the cherry Hill Inn in Cherry Hill, New Jersey ((690) 662–7200). The contact point is Mary Schiavo, (215) 952–3548, (AV 444–3548). Registration is $25. Telephonic registration deadline is October 26, 1988.

The Defense Contract Administration Services Region, Atlanta will host the DAR Council's meeting on Thursday, November 3, from 8:00 am until 4:30 pm., at the the Orange County Convention Center in Orlando, Florida. The point of contact is Ms. Karen Drake (404) 429–6150, ((AV 697–6150)). Registration fee is $25. Telephonic registration deadline is October 26, 1988.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

[FR Doc. 88–24645 Filed 10–21–88; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 9 and 10 November 1988.

Time: 0800–1700 hours each day.

Place: U.S. Naval Safety Center, Norfolk, VA, November 9, 1988, HQ TRADOC, Hampton, VA, November 10, 1988.

Agenda: The Army Science Board Ad Hoc Subgroup on Human Dimensions in Army Safety will conduct its second meeting at two sites; namely, U.S. Naval Safety Center, Norfolk, VA (NAVSAFCEN) and HQ TRADOC, Hampton, VA. Briefings will be conducted by various members of the NAVSAFCEN staff as well as HQ TRADOC. Past, current and planned actions will be discussed in accordance with the Terms of Reference. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88–24523 Filed 10–21–88; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

[CFDA NO: 84.047]

Upward Bound Program

ACTION: Notice to extend the deadline for receipt of applications.

SUMMARY: On September 30, 1988 the Secretary of Education published in the **Federal Register** (53 FR 38321) a notice inviting applications for new awards for the Upward Bound Program. This document extends the date for receipt of applications from November 18, 1988 until December 2, 1988. The Secretary takes this action to allow the public additional time to prepare the applications.

For applications or information contact: Mrs. Goldia Hodgdon, Chief, Education Outreach Branch, Division of Student Services, U.S. Derpartment of Education (Room 3060, ROB–3), 400 Maryland Avenue SW., Washington, DC 20202–5331. Telephone: (202) 732–48

Program Authority: 20 U.S.C. 1070d, 1070d–1a.

Dated: October 18, 1988.

Kenneth D. Whitehead,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 88–24516 Filed 10–21–88; 8:45 am]

BILLING CODE 4000–01–M

Office of Elementary and Secondary Education

Intent To Repay to the California State Department of Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award grantback funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay to the California State Department of Education, the State educational agency (SEA), an amoung equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) as a result of a final audit determination. This notice describes the SEA's plan, submitted on behalf of Richmond Unified School District, the local educational agency (LEA), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantback.

DATE: All written comments must be received on or before November 23, 1988.

ADDRESS: All written comments should be submitted to Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 2043), Washington, DC 20202–6132.

FOR FURTHER INFORMATION CONTACT: Dr. James Spillane. Telephone: (202) 732–4692.

SUPPLEMENTARY INFORMATION:

A. Background

In July 1986, the Department recovered $12,150 from the California SEA for claims arising from an audit of the Richmond Unified School District covering the period July 1, 1980 through June 30, 1982. The claims involved the SEA's administration of Title I of the Elementary and Secondary Education Act of 1965 (Title I), a program that addressed the special educational needs of educationally deprived children in areas with high concentrations of children from low-income families. Specifically, the LEA charged to its Title I project costs for training and conference expenses that were not properly related to the Title I program. This was in violation of § 116.36 of 45 CFR Part 116 and Appendix B, Part II.B.19. and Part I.C.1.a. of 45 CFR Part 100, which required that training costs

must be directly related to Title I services provided during the year and necessary to meet the needs of participating students.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 456(a)(2) of GEPA, the SEA has applied for a grantback of $9,112 and has submitted a plan on behalf of the LEA for use of the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981. 20 U.S.C. 3801 *et seq*. The final audit determination against the SEA resulted from improper expenditures of Title I funds. However, since Chapter 1 superseded Title I, the SEA's proposal reflects the requirements in Chapter 1—a program, similar to Title I, that is designed to serve educationally deprived children in low-income areas.

The SEA's plan proposes that the LEA will use the grantback funds to augment the Chapter 1 reading, mathematics, and communications programs funded from the regular Chapter 1 entitlement for school year 1988–89. Under the SEA's plan, extra assistance would be provided by the LEA for approximately 30 eligible Chapter 1 children at a cost of $9,112. With the grantback funds, the LEA will hire two teacher aides, who will work two hours a day at an elementary school with individuals and small groups of Chapter 1 project participants. The aides will provide follow-up assistance in reading vocabulary and comprehension, basic mathematics facts, and oral and written communication skills. The assistance provided by the aides will focus on the development of basic skills and concepts necessary to increase the Chapter 1 students' effective participation and achievement levels in the core curriculum.

The regular Chapter 1 program provides for resource teacher support and supplementary materials in basic skills. However, the needs assessment indicates that more consistent follow through support is needed for these project participants to reach grade level status. The day-to-day reinforcement activities offered by these aides will provide additional individual and small group assistance, with the current Chapter 1 program does not afford.

Equitable services will be provided to eligible nonpublic school students.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by the SEA. Based upon the review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 456 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

E. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the California SEA under a grantback arrangement. The grantback award would be in the amount of $9,112, which is 75 percent—the maximum percentage authorized by the statute—of the funds recovered by the Department as a result of the audit.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The SEA and LEA agree to comply with the following terms and conditions under which payment under a grantbank arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1989, in accordance with section 456(c) of GEPA and the SEA's plan.

(3) The SEA, on behalf of the LEA, will, not later than January 1, 1990, submit a report to the Secretary which—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget, and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Dated: October 18, 1988.

Lauro F. Cavazos,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.010, Educationally Deprived Children—Local Educational Agencies)

[FR Doc. 88-24515 Filed 10-21-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP88-895-000]

Colorado Interstate Gas Co.; Request Under Blanket Authorization

October 7, 1988.

Take notice that on September 30, 1988, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP88-895-000 a request pursuant to

§ 157.205(b) and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) to abandon by sale to Peoples Natural Gas Company (Peoples) approximately 6.08 miles of 4-inch sales lateral pipeline located in El Paso County, Colorado, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG states that pusuant to a Sale Agreement dated July 27, 1988, CIG has agreed to sell and Peoples has agreed to purchase the subject pipeline facilities. CIG states that the subject facilities were constructed and operated pursuant to the certificate authorization issued in Docket No. CP70–113. CIG notes that the proposed abandonment involves only the sale of facilities and that no service obligation to Peoples is either reduced or terminated as a result of the proposed abandonment.

CIG states that under the July 27, 1988, agreement, it will sell the facilities to Peoples, for Peoples' use in delivering gas purchased from CIG for resale to the towns of Monument and Palmer Lake, located in El Paso County, Colorado. According to CIG, the facilities are located in Section 28, 29, and 30, T11S–R65W, and Section 21, 25, 26, and 27, T11S–R66W, El Paso County, Colorado.

CIG states that it holds a blanket certificate in Docket No. CP83–21–000 authorizing it to perform activities under Subpart F of Part 157 of the Commission's Regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 88–24518 Filed 10–21–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–154–004]

Northwest Pipeline Corp.; Compliance Filing

October 19, 1988.

Take notice that on October 11, 1988, Northwest Pipeline Corporation (Northwest) filed Substitute Ninth Revised Sheet No. 125 to its FERC Gas Tariff, First Revised Volume No. 125, to be effective June 1, 1988.

Northwest states that this tariff sheet reflects the addition of the word "scheduled" between "previous" and "purchased" in § 16.6(b).

Northwest states that a copy of this filing has been mailed to all of its jurisdictional sales customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such motions or protests should be filed on or before October 26, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88–24519 Filed 10–21–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP88–227–003 and CP87–309–005]

Paiute Pipeline Co.; Filing

October 19, 1988.

Take notice that on October 12, 1988, Paiute Pipeline Company (Paiute) filed Second Substitute Original Sheet No. 27 to its FERC Gas Tariff, Original Volume No. 1–A.

Paiute states that this filing reflects correction of the administrative errors and requests that the tendered tariff sheet be accepted in substitution for its counterpart contained in its filing of September 30, 1988.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211) (1988)). All such motions or protests should be filed on or before October 26, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88–24520 Filed 10–21–88; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT89–1–001]

Williston Basin Interstate Pipeline Co.; Proposed Changes in FERC Gas Tariff Pursuant to Order No. 497

October 19, 1988.

Take notice that on October 17, 1988, Williston Basin Interstate Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497 and § 250.16 of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1–B:

Substitute First Revised Sheet No. 169
Original Sheet No. 169A
Substitute First Revised Sheet No. 170
Substitute First Revised Sheet No. 172
Substitute First Revised Sheet No. 173
Substitute First Revised Sheet No. 174
Substitute First Revised Sheet No. 176
Substitute First Revised Sheet No. 177
Substitute First Revised Sheet No. 178
Substitute First Revised Sheet No. 179
Substitute First Revised Sheet No. 180
Substitute First Revised Sheet No. 181
Substitute First Revised Sheet No. 182
Substitute First Revised Sheet No. 183
Substitute First Revised Sheet No. 184

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed by October 27, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-24521 Filed 10-21-88; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200162.

Title: North Carolina State Ports Authority Terminal Agreement.

Parties:

North Carolina State Ports Authority
Solar International Shipping Agency, Inc., Agent for Yangming Marine Transport Corporation (Yangming)

Synopsis: The agreement provides Yangming volume incentive rates for wharfage for an annual volume over 50,000 tons of cargo. The agreement provides for dockage and crane rental at tarrif rates provided that those rates will not increase more than 4% during any contract year. The agreement also provides Yangming special container handling rates. The agreement is for one year with an option to renew for an additional year.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: October 19, 1988.

[FR Doc. 88-24511 Filed 10-21-88; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Service's claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register.**

The Secretary of the Treasury has certified a rate of 14.75% for the quarter ended September 30, 1988. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: October 13, 1988

Dennis J. Fischer,

Deputy Assistant Secretary, Finance.

[FR Doc. 88-24474 Filed 10-21-88; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

National Institute for Occupational Safety and Health; Mine Health Research Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Mine Health Research Advisory Committee (MHRAC).

Date: November 3-4, 1988.

Place: Auditorium B, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time and Type of Meeting: Open 8:45 a.m.-10:30 a.m., November 3. Closed 10:30 a.m.-12:30 p.m., November 3. Open 1:30 p.m.-4:30 p.m., November 3. Open 9:00 a.m.-12 noon, November 4.

Contact Person: Melvin L. Myers, Executive Secretary, MHRAC, NIOSH, CDC, BLDG. 1, Room 3120, D-37, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: Commercial: (404) 639-3901, FTS: 236-3901.

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Agenda items for the meeting will include announcements; consideration of minutes of the previous meeting and future meeting dates; an orientation for new members; discussion of the recent International Pneumoconioses Conference; and a review of the NIOSH surveillance program. From 10:30 a.m. until 12:30 p.m., November 3, the Comnmittee will discuss certain matters covered by the Government in the Sunshine Act, sections 552b(c)(6) and/or 552b(c)(9)(B) of title 5 U.S. Code. Therefore, pursuant to said provisions and the determination of the Director, Centers for Disease Control, this portion of the meeting will not be open to the public.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered by a scheduled speaker during the meeting should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained form the contact person listed above.

Due to difficulties in scheduling, the agenda could not be finalized in time to meet the 15-day publication requirement.

Dated: October 19, 1988.

Elvin Hilyer,

Associate Director for Policy Coordination Centers for Disease Control.

[FR Doc. 88-24569 Filed 10.-21-88; 8:45 am]

BILLING CODE 4160-19-M

Family Support Administration

Statement of Organization, Functions and Delegations of Authority

Part M, Family Support Administration, Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (51 FR 1164, April 4, 1986 as amended most recently at 51 FR 35958, September 24, 1987) is amended to reflect organization and function changes to Chapter ML, Office of Community Services. Specifically, to: (1) remove The Federal Task Force on the Homeless and (2) consolidate the audit functions of the Community Services Program and the Low-Income Home Energy Assistance Program (LIHEAP).

The changes are as follows:

1. Amend Chapter ML, Section ML.00 Mission to delete the last sentence.

2. Amend Chapter ML, Section ML.10 Organization to: (1) delete line 3 "The Federal Task Force on the Homeless (ML1)" and line 12 "Division of Audit Resolution (MLB4)" and (2) insert after Division of Energy Program Operations (MLC2) "Office of Audit Resolution (MLE)."

3. Amend Chapter ML, Section ML.20 Functions to delete paragraph C. "The Federal Task Force on the Homeless" in its entirety.

4. Amend Chapter ML, Section ML.20 Functions to delete paragraph D.4 "Division of Audit Resolution" in its entirety.

5. Amend Chapter ML, Section ML.20 Functions to delete paragraph E.2 and replace with the following:

2. The Division of Energy Program Operations provides leadership in interpretation and application of federal program policy as it relates to compliance activities in the LIHEAP program. The Division reviews grantee applications and amendments; provides the Office of Financial Management, FSA, with grantee information necessary to issue grants; and investigates complaints. The Division provides assistance to states, tribes and territories in developing energy program policies and operational procedures; evaluates compliance of state and tribal policies and operations with statutory and regulatory requirements; and provides support in developing and implementing program improvements. The Division also assists states and other public and private organizations by providing training and technical assistance in areas related to home energy.

6. Amend Chapter ML, Section ML.20 to add the following:

F. The Office of Audit Resolution is responsible for administering the entire Audit responsibilities under Pub. L. 98–502, the Single Audit Act and meeting the requirements of OMB Circular A–128. These audit responsibilities pertaining to block grant audits and discretionary grant audits in both the Community Services Programs and the Low-Income Home Energy Assistance Programs (LIHEAP).

This Office is responsible for the review and resolution of audit issues or questioned costs with recipients of OCS transition, discretionary and Community Services and LIHEAP block grant funds in accordance with the appropriate audit policy as established by HHS.

This Office is also responsible for the monitoring of agreements relating to the expenditures of carry-over Community Services Administration (CSA) funds; the disposition of assets of former CSA grantees, and for addressing any remaining issues arising from the responsibilities of the former CSA and for performing all claims (debts) collection activities.

The Office consists of two Audit Resolution Teams, one for Discretionary Grants, and one for the Community Services and LIHEAP block grants.

Wayne A. Stanton,

Administrator, Family Support Administration.

Date: October 14, 1988.

[FR Doc. 88–24512 Filed 10–21–88; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 86V–0517]

Approved Variance for a Laser Product; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by FDA's Center for Devices and Radiological Health (CDRH) for the Clinac radiation therapy linear accelerator systems and Ximatron radiation therapy simulator systems which incorporte an optional backpointer laser. These systems are manufactured by Varian, Palo Alto, CA.

DATES: The variance became effective on April 8, 1988, and ends on April 8, 1993.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sally Friedman, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under 21 CFR 1010.4 of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted Varian, 611 Hansen Way, Palo Alto, CA 94303, a variance from the performance standard for laser products (21 CFR 1040.10 and 1040.11) for the Varian Clinac radiation therapy linear accelerator systems and Ximatron radiation therapy simulator systems. Specifically, the requirement of the laser products standard for which the variance was granted is 21 CFR 1040.10(f)(5)(iii), that a laser system incorporate an emission indicator at the laser control if the laser and its operation control are housed separately and can be operated at a separation distance greater than 2 meters.

Under the terms of the variance, (1) the laser radiation emitted in the backpointer beam must not exceed Class II levels; (2) the instructions for operation under 21 CFR 1040.10(h)(1) must include a description of appropriate eye protection for use by the patient during those procedures that would result in the eyes of the patient being exposed to laser radiation; and (3) an additional indication of emission must be provided by either (a) connecting the laser to the system so that it comes on when the field defining light is turned on, or by (b) connecting the laser so that it is activated by a change in the setting of the room light control. The choice of form of the additional indicator will be made by the purchaser. If the purchaser declines both forms of additional indication, the control on the pendant for the laser will be disabled.

FDA has determined that: (1) The laser products utilize alternate means for providing radiation safety or protection equal to that provided by products of similar design meeting all of the requirements of the standard; and (2) although it is possible to direct the backpointer laser light toward the face of the patient on the treatment couch, that would rarely happen. Further, the laser output system is a fan beam at Class II levels.

Therefore, on April 8, 1988, the requested variance was approved by a

letter to the manufacturer from the Deputy Director of CDRH.

So that the product may show evidence of the variance approved for the manufacturer, the product shall bear on the certification label required by 21 CFR 1010.2(a) a variance number, which is the FDA docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.86).

Dated: October 14, 1988.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 88–24493 Filed 10–21–88; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. November 3 and 4, 1988, 9 a.m., National Institutes of Health, Clinical Center, Bldg. 10, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, November 3, 1988, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5:30 p.m.; open committee discussion, November 4, 1988, 9 a.m. to 5:30 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockvile, MD 20857, 301–443–4730 or 419–259–6211.

General function of the committee. The Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of cardiovascular disorders and diseases and makes recommendations regarding the appropriate clinical development of such products.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 26, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss Cardizem (diltiazem), Marion Laboratories, new drug application (NDA) 18–602; NDA 19–471, for hypertension; Cardene (nicardipine), Syntex, NDA 19–488, for hypertension; Lopressor (metoprolol), Ciba-Geigy, NDA 17–963, for arrhythmia; Decabid (indecainide), Eli Lilly and Co., NDA 19–693, for arrhythmias.

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. November 17 and 18, 1988, 8:30 a.m., Conference Rm. 10, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, November 17, 1988, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, November 18, 1988, 8:30 a.m. to 2:30 p.m.; Isaac F., Roubein, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of pulmonary disease and diseases with allergenic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 3, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addressees of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On November 17, 1988, the committee will discuss the guidelines for the evaluation of bronchodilator drugs. On November 18, 1988, the committee will discuss NDA 19–475 (Pentigetide, Immunotech Pharmaceuticals).

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. November 21, 1988, 8:30 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; David F. Hersey, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in diagnostic and therapeutic procedures using radioactive pharmaceuticals and contrast media used in diagnostic radiology.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 7, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss: (1) NDA 19–829, Ceretec (technetium, Tc 99m HMPAO), Amersham Corp., for use in cerebral imaging; (2) safety considerations related to the use of nonionic contrast media; (3) a pending gastric emptying petition; (4) an update of progress in the development of the agency's regulatory position for Positron Emission

Tomography (PET); and (5) brief reports by groups in and outside the Food and Drug Administration, which are of interest to the committee.

Hematology and Pathology Devices Panel

Date, time, and place. November 21 and 22, 1988, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, November 21, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, November 22, 1988, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Joseph L. Hackett, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before November 1, 1988, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for: (1) The detection of the Philadelphia translocations present in leukemia cells of patients with chronic myelogenous leukemia; (2) the T and B lymphocyte gene rearrangement utilizing deoxyribonucleic acid (DNA) probes; and (3) the soluble Interleukin-2 receptor as a measurement of tumor burden in patients with hairy cell leukemia.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions of the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participations does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are avaialble from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, Rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20557, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Fredom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: October 19, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–24619 Filed 10–20–88; 3:23 pm]

BILLING CODE 4160–01–M

Public Health Service

National Toxicology Program, Board of Scientific Counselors Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting on November 17 and 18, 1988, of the National Toxicology Program (NTP) Board of Scientific Counselors, Reproductive and Developmental Toxicology Program Review Subcommittee. The meeting will be held at the Omni Netherlands Plaza Hotel, 35 West 5th Street, Cincinnati, Ohio, on November 17, and at NIOSH, 4676 Columbia Parkway, Cincinnati, on November 18.

The meeting is from 1:00—6:00 p.m. on November 17 and 8:30 a.m.—noon on November 18, and will be open to the public. The primary agenda topics are reviews of the research efforts of the staffs at the National Institute of Environmental Health Sciences (NIEHS) and National Institute of Occupational Safety and Health (NIOSH).

The Executive Secretary, Dr. Larry Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, Telephone (919) 541–3971, FTS 629–3971, will furnsih the final agenda.

Dated: October 17, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88–24460 Filed 10–21–88; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program, Board of Scientific Counselors' Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus,

National Institute of Environmental Health Sciences (NIEHS), Research Triangle Park, North Carolina on November 14 and 15, 1988.

The meeting will be open to the public from 8:30 a.m. until adjournment on November 14. The preliminary agenda with *approximate* times are as follows:

Review of Cellular and Genetic Toxicology Branch (CGTB), Division of Toxicology Research and Testing, NIEHS

8:30 a.m.–9:00 a.m.—Introduction
9:00 a.m.–12:15 p.m.—Current CGTB Programmatic Activities

Activities

1:00 p.m.–3:15 p.m.—Initiatives on Non-Mutagenic Carcinogens
3:30 p.m.–4:15 p.m.—Germ Cell Mutation Projects including Concepts Review
4:15 p.m.–Adjournment—Intramural Research Projects

The meeting on November 15 will be open to the public from 8:30 a.m. to 12:00 noon. The preliminary agenda with *approximate* times are as follows:

8:30 a.m.–8:45 a.m.—Report of the Director, NTP
8:45 a.m.–9:00 a.m.—Update on Activities of the Technical Reports Review Subcommittee
9:00 a.m.–9:30 a.m.—Status of NIEHS Oncogene Studies
9:30 a.m.–10:30 a.m.—CGTB Poster Session
10:30 a.m.–12:00 noon—Review of Chemicals Nominated for NTP Studies.

Thirteen chemicals will be reviewed. Seven of the chemicals wrere evaluated by the NTP Chemical Evaluation Committee (CEC) on May 10, 1988, and are (with CAS Nos. in parenthesis): (1) b-Cadinene (523–47–7); (2) Diphenylamine (122–39–4); (3) Firemaster 680 (37853–59–1); (4) Isobutene (115–11–7); (5) Methacrylonitrile (126–98–7); (6) Phenylpropanelamine Hydrochloride (154–41–6); (7) Trichloromelamine (7673–09–8, 12379–38–3). Six of the chemicals were evaluated by the CEC on July 27, 1988, and are: (1) Acrolein (107–02–8); (2) Acrylic Acid (79–10–7); (3) Aldicarb Oxime (1646–75–9); (4) Butanal Oxime (110–69–0); (5) Cyclohexanone Oxime (100–64–1); and (6) 1,1,2,2-Tetrabromoethane (79–27–6).

In accordance with the provisions set forth in section 552b(c)(6) Title 5 U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 14 from 7:45 a.m. to 8:30 a.m. and November 15 from 12 noon to 3:00 p.m. for further evaluation of research activities in the NIEHS Cellular and Genetic Toxicology Branch, incuding the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Larry G. Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971; FTS 629–3971, will have available a roster of Board members and expert consultants and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: October 5, 1988.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 88–24461 Filed 10–21–88; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N–88–1876; FR–2551]

Recognition of Substantially Equivalent Laws

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Final notice.

SUMMARY: Title 24, Part 115 of the Code of Federal Regulations describes the procedure for recognizing State and local fair housing laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–19. This notice: A. Announces the Department's decision to recognize two additional jurisdictions in accordance with § 115.6(c); and B. Announces the entry into an agreement for interim referrals with six jurisdictions in accordance with § 115.11.

EFFECTIVE DATE: October 24, 1988.

FOR FURTHER INFORMATION CONTACT: Wagner D. Jackson, Acting Director for Fair Housing Enforcement and Section 3 Compliance, Department of Housing and Urban Development, Room 5206, 451 Seventh Street, SW., Washington, DC 20410; telephone, (202) 755–6836. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A. On March 3, 1988 (53 FR 6964), the Department published a notice seeking public comment on the Department's determination that the fair housing law of Hammond, IN and Cambridge, MA each, "on its face", provides rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. Comment was also invited on the present and past performance of the agencies administering and enforcing the laws of those localities. No public comments were received concerning the recognition of these jurisdictions.

This publication gives notice of the recognition of Hammond, IN and Cambridge, MA, in accordance with § 115.6(c).

B. The Assistant Secretary has determined, after application of the criteria set forth in § 115.3, that the fair housing laws for the State of Georgia; the State of Ohio; Albany, New York; Durham, North Carolina; Greensboro, North Carolina; and Lee County, Florida, on their face, provide rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in Title VIII of the Civil Rights Act of 1968. However, the statutes and ordinances of these jurisdictions have not been in effect for a sufficient time to permit the enforcement agencies to demonstrate that they meet the performance standards described in § 115.4.

This publication gives notice of HUD's entry into an agreement for interim referrals with the State of Georgia; the State of Ohio; Albany, New York; Durham, North Carolina; Greensboro, North Carolina; and Lee County, Florida, in accordance with § 115.11.

The Fair Housing Amendments Act of 1988 (Pub. L. 100–430) (1988 Act), enacted on September 13, 1988, amended Title VIII of the Civil Rights Act of 1968. The 1988 Act provides that agencies certified as having substantially equivalent fair housing laws or agencies certified for interim referrals before the date of enactment may continue to receive referrals after that date. The agencies to which this Notice refers were certified before September 13, 1988. Hammond, IN was certified on September 12, 1988, and Cambridge, MA on August 8, 1988. The dates of the agreements for interim referrals were: State of Georgia, August 1, 1988; State of Ohio, August 2, 1988; Albany, New York, July 22, 1988; Durham, North Carolina, August 8, 1988; Greensboro, North Carolina, August 18, 1988; and Lee County, Florida, August 26, 1988.

In accordance with 24 CFR 50.20(k), this notice is not subject to the

environmental assessment requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4332.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this notice would not have a significant economic impact on a substantial number of small entities. The rule only carries out the Department's statutory responsibility as set out in section 810(c) of the Fair Housing Act, 42 U.S.C. 3610(c).

Date: October 7, 1988.

William E. Wynn,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 88-24525 Filed 10-21-88; 8:45 am]

BILLING CODE 4210-28-M

Office of Administration

[Docket No. N-88-1881]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Report Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 17, 1988.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Requisition for Development or Modernization Funds.

Office: Public and Indian Housing.

Description of the Need for the Information and Its Proposed Use: The U.S. Housing Act of 1937, as amended, authorizes HUD to assist Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) in the development and rehabilitation of lower income housing. The financial assistance is obtained by the PHSs/IHAs submitting to HUD an approved form, Requisition for Development and Modernization Funds.

Form Number: HUD-5402.

Respondents: State or Local Governments.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
Requisition Form	2,300		25		.5		28,750

Total Estimated Burden Hours: 28,750.

Status: Extension.

Contact: Stephanie Avery-Boyd, HUD, (202) 755-7920; John Allison, OMB, (202) 395-6880.

Date: October 13, 1988.

Proposal: Litigation Reporting and Related Requirements for Certain Recipients of HUD Assistance (FR-2134).

Office: General Counsel.

Description of the Need for the Information and its Proposed Use. This proposed rule would specify litigation reporting and related requirements for certain recipients of HUD assistance, including the circumstances under which these recipients must report their litigation activity to HUD, and prohibits recipients from using HUD assistance to pay the costs of litigation against the United States.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, Businesses or Other For-Profit, and Small Businesses or Organizations.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
Reporting Requisition	458		11.3		2.2		11,383

Total Estimated Burden Hours: 11,383.

Status: New.

Contact: Sharmeen Dosky, HUD, (202) 755-7055; John Allison, OMB, (202) 395-6880.

Date: October 12, 1988.

[FR Doc. 88-24463 Filed 10-21-88; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

August 31, 1988.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance office and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Direct Loan and Guaranty Loan Program, Applications and Requirements (25 CFR Parts 101 and 103).

OMB Approval Number: 1076–0020.

Abstract: To provide financial assistance to tribes, tribal organizations, and individuals through the Direct Loan and Loan Guaranty Programs to promote economic development on or near reservations. The forms require certain financial data, background information, and project feasibility to determine the eligibility and potential success of the business.

Bureau Form Numbers: BIA Forms 4729, 4737, 4738, 3739, 3740, 4741, 4706, 4745, 4753, 4755, 4759, 4760, and 4749.

Frequency: On occasion.

Description of Respondents: Indian tribes, Indian organizations, and Indian individuals.

Estimated Completion Time:

Form	Time
4729	2 hours, 25 minutes.
4737	3.5 hours.
4738	15 minutes.
4739	20 minutes.
4740	1 hour.
4741	1 hour.
4706	30 minutes.
4745	5 minutes.
4753	30 minutes.
4755	30 minutes.
4759	30 minutes.
4760	30 minutes.
4749	30 minutes.

Annual Responses: 1,657.

Annual Burden Hours: 985.

Bureau Clearance Officer: Cathie Martin (202) 343–3577.

Joe C. Christie,

Acting Deputy to the Assistant Secretary—Indian Affairs (Trust and Economic Development).

[FR Doc. 88–24530 Filed 10–21–88; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[AK–968–4213–15; AA–6661–B; AA–6661–G]

Alaska Native Claims Selections; Eklutna, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Eklutna, Inc. for approximately 26,258 acres. The lands involved are in the vicinity of Eklutna, Alaska, within the following townships:

Seward Meridian, Alaska

T. 15 N., R. 1 E.
T. 14 N., R. 2 E.
T. 15 N., R. 2 E.
T. 14 N., R. 3 E.
T. 15 N., R. 3 E.
T. 16 N., R. 3 E.
T. 15 N., R. 1 W.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in THE ANCHORAGE TIMES. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until November 23, 1988 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Ramona Chinn,

Chief, Branch of Cook Inlet and Ahtna Adjudication.

[FR Doc. 88–24469 Filed 10–21–88; 8:45 am]

BILLING CODE 4310–JA–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the telephone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395–7340, with copies to Gerald D. Rhodes, Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646, Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Alaska Outer Continental Shelf (OCS) Social Indicators Survey.

OMB Approval Number: 1010–0069.

Abstract: Respondents supply information and date to establish measures of well-being of rural population potentially affected by OCS activity. This information will allow the Agency to establish a basis to describe, project, and monitor the effects of major Federal actions on the Alaskan OCS.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Residents in rural Alaska potentially affected by OCS leasing.

Estimated Completion Time: 1 hour.

Annual Responses: 375.

Annual Burden Hours: 290.

Bureau clearance officer: Dorothy Christopher (703) 435–6213.

Date: September 8, 1988.

Bruce G. Weetman,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 88–24481 Filed 10–21–88; 8:45 am]

BILLING CODE 4310–MR–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-250 (Sub-No. 1X; (Sub-No. 252X)]

Cadiz Railroad Co.; Abandonment and Discontinuance Exemption in Caldwell, Christian, and Trigg Counties, KY and CSX Transportation, Inc.; Abandonment Exemption in Caldwell and Christian Counties, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by Cadiz Railroad Company (Cadiz Rail) of 8.15 miles of its own track from the terminus near Cadiz, KY to Gracey, KY and discontinuance of operations by Cadiz Rail over 20.7 miles of track leased from CSX Transportation, Inc. (CSXT), which extends from Princeton, Caldwell County, KY to Gracey, Christian County, KY. It also exempts the abandonment by CSXT of the same 20.7 miles of track between Princeton and Gracey, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, the exemptions will be effective on November 23, 1988. Formal expressions of intent to file and offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by November 3, 1988, petitions to stay must be filed by November 8, 1988, and petitions for reconsideration must be filed by November 18, 1988. Requests for a public use condition must be filed by November 3, 1988.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 252X) and Docket No. AB-250 (Sub-No. 1X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representatives: R. Lyle Key, Jr. (J150), Senior Counsel, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202

and

Donnie Holland, President, Cadiz Railroad Company, Cadiz, KY 42211

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275-7245, [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 275-1721.]

Decided: October 18, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 88-24482 Filed 10-21-88; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 80X)]

Missouri Pacific Railroad Co.—Abandonment Exemption—Zavala County, TX

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 17.1-mile line of railroad between milepost 147.4 near Crystal City and milepost 164.5 near La Pryor, in Zavala County, TX.

Applicant has certified that: (1) No local or overhead traffic has moved over the line for at least 2 years; and (2) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective November 23, 1988 (unles stayed pending reconsideration). Petitions to stay regarding matters that do not involve environmental issues [1] and formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by November 3, 1988, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 14, 1988 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives: Joseph D. Anthofer and Jeanna L. Regier, Room 830, 1416 Dodge Street, Omaha, NE 67179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by October 27, 1988. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275-7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 13, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88-24219 Filed 10-21-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB); Correction

AGENCY: Office of the Secretary.

ACTION: Notice of correction.

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[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the Federal Register on December 22, 1987 (52 FR 48440-48446).

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effecitve date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 4 I.C.C. 2d 400 (1988).

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the Federal Register on December 22, 1987 (52 FR 48440-48446).

SUMMARY: This notice corrects the recordkeeping/reporting requirements reported for the Office of Federal Contract Compliance Programs (OFCCP) to include the frequency of response and the total number of respondents which were inadvertently omitted from the notice published in the Federal Register Friday, October 14, 1988 (53 FR 40283).

FOR FURTHER INFORMATION CONTACT: Mrs. Theresa O'Malley at (202) 523–6423.

To add as follows:

1. Frequency of response: One-time, nonrecurring.

2. Number of respondents: 7,442 contractors.

Signed at Washington, DC this 19th day of October, 1988.

Theresa O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 88–24484 Filed 10–21–88; 8:45 am]

BILLING CODE 4510-23-M

Mine Safety and Health Administration

[Docket No. M–88–173–C]

Shanne Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Shanne Coal Corporation, P.O. Box 609, Big Rock, Virginia 24603 has filed a petition to modify the application of 30 CFR 75.329–1 (sealing or ventilation of pillared or abandoned area) to its Shanne Mine No. 1 (I.D. No. 44–06422) located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that pillared or abandoned areas be sealed or ventilated.

2. Petitioner states that due to adverse roof conditions and an unmeasurable quantity of water, the old mine adjacent to Shanne Mine No. 1 should not be cut into as required by present plans.

3. As an alternate method, petitioner proposes to bleed air into the old works from the belt entry and establish monitoring stations where quality and quantity of air passing over old works can be monitored.

4. In support of this request, petitioner states that—

(a) The monitoring stations would be evaluated at least once a shift by certified personnel, and

(b) The mine is located above drainage and methane has never been detected. Also, the mine fan operates continuously.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 23, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: October 11, 1988.

[FR Doc. 88–24485 Filed 10–21–88; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting Postponed

The Advisory Committee on Nuclear Waste (ACNW) meeting scheduled for November 2–4, 1988, Room P–114, 7920 Norfolk Avenue, Bethesda, MD has been postponed and will be rescheduled. This meeting notice was previously published on Thursday, October 13, 1988 (53 FR 40147).

Date: October 19, 1988.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 88–24499 Filed 10–21–88; 8:45 am]

BILLING CODE 4160-01-M

Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing; Correction

On August 25, 1988, the **Federal Register** published the Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing. The following correction needs to be made to that notice:

On page 32485, paragraph 4, last sentence should read, "A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006." On page 32485, paragraph 7 should read, "For further details with respect to this action, see the application for amendment dated August 12, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Local Public Document Room, Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803."

Dated at Rockville, Maryland, this 14th day of October 1988.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Project, Office of Nuclear Reactor Regulation.

[FR Doc. 88–24487 Filed 10–21–88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–458]

Gulf States Utilities Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–47, issued to Gulf States Utilities Company (the licensee), for operation of the River Bend Station, Unit 1 located in West Feliciana Parish, Louisiana.

The amendment would revise the Technical Specifications to (1) revise the primary containment integrity requirements during fuel handling to permit performance of a limited number of Type C local leak rate tests of liquid filled lines while handling irradiated fuel; and (2) revise the decay time required for the irradiated fuel before the vent and drain line pathways can be opened for the purpose of performing the local leak rate tests in accordance with the licensee's application for amendment dated September 28, 1988.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 23, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10

CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceedings, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to interevene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Jose A. Calvo: petitioner's name and number; date Petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated September 28, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Local Public Document Room, Government Documents Department, Louisiana State University, Baton Rouge, Lousiana 70803.

Dated at Rockville, Maryland, this 14th day of October 1988.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88–24488 Filed 10–21–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–324; License No. DPR–6; EA 88–131]

Carolina Power & Light Co., Brunswick Unit; Order Imposing Civil Monetary Penalty

I

Carolina Power and Light Company, Raleigh, North Carolina (licensee), is the holder of Operating License No. DPR–62 (license) issued by the Nuclear Regulatory Commission (Commission/NRC) on December 27, 1974. The license authorizes the licensee to operate Unit 2 of the Brunswick facility in accordance with the conditions specified therein.

II

NRC inspections of the licensee's activities under the license were conducted on April 1–30 and May 1-June 3, 1988, respectively. The result of these inspections indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the licensee by letter dated July 25, 1988. The Notice stated that the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee reponded to the Notice by letters dated August 24 and September 26, 1988. In its response, the licensee admitted the violations but stated that escalation of the civil penalty under 10 CFR Part 2, Appendix C, is inappropriate. The licensee submitted a check for $50,000 and took exception to the $25,000 escalation.

III

After consideration of the licensee's reponse and the statements of fact, explanations, and argument for reduction contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (ACT) 42 U.S.C. 2282, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay the remainder of the civil penalty in the amount of Twenty Five Thousand Dollars ($25,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555.

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, D.C. 20555, with copies to the Assistant General Counsel for Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Regional Administrator, Region II, 101 Marietta Street NW., Atlanta, Georgia 30323, and the NRC Resident Inspector, Brunswick Steam Electric Plant.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions to this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be whether the unpaid remainder of the civil penalty should be imposed.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

Dated at Rockville, Maryland this 14th day of October 1988.

Appendix—Evaluation and Conclusion

On July 25, 1988, a Notice of Violation and Proposed Imposition of Civil Penalty was issued for violations identified during routine NRC inspections. CP&L responded to the Notice on August 24, 1988 and September 26, 1988. In its response, the licensee admitted the violations, paid $50,000 of the proposed $75,000 civil penalty, but took exception to the $25,000 escalation as inappropriate and not justified. The NRC staff's evaluation and conclusion regarding CP&L's response is as follows:

I. Restatement of Violations

A. Technical Specification (TS) 3.0.4 states that entry into an OPERATIONAL CONDITION or other specified applicability state shall not be made unless the conditions of the Limiting Condition for Operation are met without reliance on provisions contained in the ACTION statements unless otherwise excepted.

TS 3.5.3.2 requires in Operational Conditions 1, 2, and 3 that two independent low pressure coolant injection (LPCI) subsystems of the residual heat removal (RHR) system be OPERABLE with each subsystem comprised of two pumps and an OPERABLE flow path capable of taking suction from the suppression pool and transferring the water to the reactor pressure vessel.

TS 3.6.1.1 requires in Operational Conditions 1, 2, and 3 that primary containment integrity be maintained.

TS 3.6.1.3 requires in Operational Conditions 1, 2, and 3 that the primary containment air lock be OPERABLE with: (1) both doors closed except when the air lock is being used for normal transit entry and exit through the containment, then at least one air lock door shall be closed; and (2) an overall air lock leakage rate of less than or equal to $0.05L_a$ at P_a, 49 psig.

Contrary to the above, at 4:35 a.m. on April 26, 1988, Unit 2 entered Operational Condition 2 when the unit's mode switch was placed in the "startup/hot standby" without RHR Division II being aligned for automatic LPCI initiation, without primary containment integrity being established, and with the primary containment air lock doors open.

B. Technical Specification 6.8.1.a requires that written procedures shall be implemented for applicable procedures recommended in Appendix A of Regulatory Guide 1.33, November 1972. Appendix A requires operating procedures for the RHR system. Operating Procedure, OP–17, RHR System Operating Procedure, Revision 76, implements this requirement and requires that the RHR heat exchanger outlet valve (E11–F003A) be either in the fully open or closed position during the shutdown cooling mode.

Contrary to the above, OP–17 was not fully implemented on May 11, 1988, in that valve E11–F003A was used in the throttled position during the shutdown cooling mode on Unit 2.

C. TS 3.3.1 requires, as a minimum, that the reactor protection system (RPS) instrumentation channels shown in TS Table 3.3.1–1 be operable. Accordingly, notation "b" of TS Table 3.3.1–1 requires that while in Operational Condition 5, "shorting links" be removed from the RPS circuitry prior to and during the time any control rod is withdrawn.

Contrary to the above, from 3:50 a.m. until 7:48 p.m., on March 8, 1988, with the reactor in Operational Condition 5, Unit 2 control rod 10–39 was in the fully withdrawn position and the shorting links were not removed from the RPS circuitry.

II. Summary of Licensee Response

The licensee, in its response, admits the violations and agrees that the violations, when viewed together, identify an issue of critical importance to the safe operation of the Brunswick Plant and meet the criteria for imposition of a civil penalty.

The licensee makes the following arguments relative to the 50% escalation of the base civil penalty:

a. Escalation of the civil penalty for an event lacking serious safety significance is not justified, simply because the event has been collectively incorporated with two other events.

b. The three events were collectively categorized as Severity Level III. Combination of such events allows the overall safety significance of similar issues to be put into proper perspective. However, once these events have been combined to represent a more significant concern, they lose their unique identity. Thus, considerations for escalation of the penalty must be evaluated against the violation as a whole (i.e., the combination of the three violations) since that is what provides the justification for the base civil penalty.

c. The three violations cited individually do not have serious safety significance and, therefore, if cited individually, would not warrant a civil penalty. Considerations for escalation were based solely on Violation B; not on the violation as a whole. Thus, the escalation of the civil penalty based on past performance is inappropriate.

III. NRC Staff's Evaluation of Licensee Response

In asserting that the NRC staff is escalating the civil penalty based on one of the events cited in the Notice, the

licensee demonstrates that basis for escalation was misunderstood. The civil penalty was escalated for past poor performance in the area of control of operations. This past poor performance was specifically illustrated by a January 1988 heatup event which was not cited in this Notice but was similar to the May 11, 1988 event which was cited.

The NRC staff agrees with the licensee that escalation of a civil penalty must be considered in the context of the overall problem. However, the NRC staff does not agree that such an overall evaluation was not made in this case.

Based on an event from the recent past the NRC staff concluded that escalation for past poor performance was appropriate given that the licensee had not implemented earlier broad corrective actions to prevent future problems similar to those cited in the Notice. Further, though only one example of past poor performance was specifically noted, other events such as the mispositioning of an RHR minimum flow valve in February 1987 were considered when the NRC staff decided to escalate the civil penalty for past poor performance.

The licensee's argument that the considerations for escalation were based solely on Violation B and not on the problem as a whole is incorrect. While Violation B is most similar to the previous event, each of the three violations were symptomatic of lack of awareness and attitude to detail for control room activities. The safety significance of the Severity Level III problem was derived from indications that lack of awareness and attention to detail for control room activities was not an isolated problem in the operations staff. The escalation for poor past performance was based on a prior example of this problem, e.g., lack of attention to detail on the part of the operations staff, and NRC staff's conclusion that CP&L did not learn from the first event and aggressively pursue the underlying cause.

IV. NRC Staff's Conclusion

The licensee did not provide a sufficient basis for reduction of the proposed $75,000 civil penalty. Therefore, the NRC staff concludes that the unpaid balance ($25,000) of the civil penalty should be imposed.

[FR Doc. 88-24489 Filed 10-21-88; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. C89-1]

Complaint of Third Class Mail Association; Order on Filing of Complaint of Third Class Mail Association

Issued October 18, 1988.

Before Commissioners: Janet D. Steiger, Chairman; Patti Birge Tyson, Vice-Chairman; John W. Crutcher; Henry R. Folsom; W.H. "Trey" LeBlanc III.

On October 17, 1988, the Third Class Mail Association (TCMA) filed a complaint with the Commission pursuant to 39 U.S.C. 3662. TCMA requests that the Commission investigate whether the continued application of the Private Express Statutes (39 U.S.C. 601 *et seq.)* to addressed advertising mail is in the public interest and consistent with the policies of the Postal Reorganization Act, and to issue a public report recommending to the Board of Governors of the Postal Service that it suspend the Postal Service's monopoly with respect to addressed third class mail.

In its complaint, TCMA indicates that the Postal Service has already refused a request to initiate a notice and comment rulemaking to consider this issue. Therefore, it appears that rule 85 informal procedures will not be useful at this time.

Under provisions of Subpart E of our rules the Postal Service is to provide an answer to this complaint by November 16, 1988. Interested persons wishing to participate in any proceedings concerning this complaint may file a notice of intervention. We shall appoint Stephen A. Gold, Director of the Office of Consumer Advocate, to represent the interest of the general public in this proceeding.

It is ordered:

1. Notice is given that the Third Class Mail Association has filed a complaint concerning the continued application of the Private Express Statutes to addressed third class mail.

2. Stephen A. Gold, Director of the Office of the Consumer Advocate, is appointed to represent the interest of the general public in this proceeding.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 88-24462 Filed 10-21-88; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34- 26198; File Nos. SR-CBOE-88-14; SR-NASD-88-46; SR-NYSE-88-22; SR-NYSE-88-23; SR-NYSE-88-24; and SR-AMEX-88-24

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; National Association of Securities Dealers, Inc.; New York Stock Exchange, Inc.; American Stock Exchange, Inc.; Order Approving Proposed Rule Changes and Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Changes Relating to Market Circuit Breaker Proposals

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] the New York Stock Exchange, Inc. ("NYSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the American Stock Exchange, Inc. ("AMEX"), and the National Association of Securities Dealers Inc. ("NASD") [collectively, the self-regulatory organizations ("SROs")] have filed with the Securities and Exchange Commission ("Commission") proposed rule changes to implement certain procedures that will be activated during volatile market conditions.

The NYSE proposals were published for comment in the **Federal Register.**[3] No comments were received on the NYSE proposed rule changes. The CBOE, NASD, and AMEX proposal were filed on September 20, 1988, October 7, 1988, and October 14, 1988, respectively, and have not previously been published for comment in the **Federal Register.**

I. Description of the Proposals

A. The Circuit Breaker Proposals

(1) File No. SR-NYSE-88-23 contains the NYSE's proposed Rule 80B and corresponding amendments to NYSE Rules 717 and 750 that provide for a temporary halt in the trading of all stocks, stock options, and stock index options on the NYSE if the Dow Jones Industrial Average ("DJIA") reaches certain trigger values. Trading would halt for one hour if the DJIA declines 250 or more points from its previous day's

[1] 15 U.S.C. § 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1988).

[3] File No. SR-NYSE-88-22 was noticed in Securities Exchange Act Release No. 26061 (September 6, 1988), 53 FR 35396; File No. SR-NYSE-88-23 was noticed in Securities Exchange Act Release No. 26062 (September 6, 1988), 53 FR 35399; and File No. SR-NYSE-88-24 was noticed in Securities Exchange Act Release No. 26115 (September 26, 1988), 53 FR 39393. The releases contain the full text of the NYSE's proposed rules.

closing level; once trading has been reopened, trading would halt for an additional two hours if the DJIA declines 400 points from the previous day's close.[4] Under the NYSE's proposal, trading would resume following a halt pursuant to procedures similar to those used by the NYSE to open trading on "Expiration Fridays," the days that stock options, stock index options, and stock index futures expire simultaneously.[5]

The NYSE proposes to implement Rule 80B for a one year pilot period. The NYSE originally stated that the rule would not become effective until all other U.S. stock and options exchanges, the NASD, and U.S. futures markets that trade futures on stock index groups (and options on such futures), adopt corresponding rules, and such rules received all necessary regulatory approvals and become effective.[6] The NYSE subsequently amended its filing to make its rule effective upon approval by the Commission.[7]

In support of its proposal, the NYSE argues that Rule 80B's trading halts would help promote stability in the stock market by providing market participants with time to restablish an equilibrium between buying and selling interest and by helping to ensure that all market participants have a reasonable opportunity to become aware of and to respond to significant market price movements. The NYSE's proposal also responds to a recommendation contained in the Interim Report of the Working Group on Financial Markets ("Working Group") issued in May, 1988 by the Under Secretary for Finance of the Department of the Treasury and the Chairmen of the Commission, the CFTC, and the Board of Governors of the Federal Reserve System. In its report, the Working Group recommended "coordinated trading halts and reopenings for large, rapid market declines that threaten to create panic conditions." The Working Group specifically recommended that all U.S. markets for equity and equity-related products—stocks, individual stock options, stock index options, and stock index futures—halt trading for one hour if the DJIA declines 250 or more points from its previous day's closing level and for two additional hours if the DJIA declines 400 points from the previous day's close.

(2) File No. SR–CBOE–88–14 contains the CBOE's proposal for responding to the activation of circuit breakers in the underlying primary securities markets or to the activation of futures market circuit breakers. Proposed CBOE Rule 6.3A provides that the CBOE would halt trading in all stock options and stock index options when trading in all stocks on the NYSE has been halted as a result of activation of circuit breakers pursuant to NYSE Rule 80B. Proposed CBOE Rule 6.3A also provides procedures for reopening options after such a halt. Reopening rotations for stock options would be held as soon as practicable after the CBOE determined that a halt was no longer in effect in the primary market for each underlying security. Reopening rotations for stock index options would be held as soon as practicable after the CBOE determined that a halt was no longer in effect in the primary market of the securities constituting 50% or more of the index value.[8] Such reopening procedures would be held only when two CBOE floor officials, in consultation with a designated senior executive officer of the CBOE, concluded that the interests of a fair and orderly market would be served by a resumption of trading.

The COBE's proposed amendment to Rule 24.7 [9] provides that the CBOE will halt trading in stock index options ten minutes after two floor officials, in consultation with a designated senior executive officer of the CBOE, have determined that specified circuit breakers have been activated to halt the trading of futures on the same or a related index and that there is no indication that active trading in the futures contract is about to commence.[10] The proposed amendment provides that index option trading may resume two minutes after active trading has resumed in the futures contract, provided that the CBOE has determined that a trading halt is not in effect in the primary market for underlying securities constituting 50% or more of the index value and two CBOE floor officials, in consultation with a designated senior executive officer of the CBOE, conclude that the interests of a fair and orderly market would be served by a resumption of trading. In support of its proposed rule change, the CBOE states that the various studies of the October market break have noted the interdependence of the stock, options, and futures markets, and states that its proposal represents a derivative market response to the circuit breaker policies of the stock exchanges and futures markets.

(3) File No. SR–AMEX–88–24 contains the AMEX's circuit breaker proposal. The AMEX's proposal is substantially identical to the NYSE's proposed Rule 80B. Under the AMEX's proposal, trading in all stocks and options will

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[4] If the 250-point trigger is reached within one hour of the scheduled close of trading for a day, or if the 400-point trigger is reached within two hours of the scheduled close of the trading day, trading will halt for the remainder of the day. If, however, the 250-point trigger is reached between one hour and one-half hour before the scheduled closing, or if the 400-pont trigger is reached between two hours and one hour before the scheduled closing, the NYSE would retain the power to use abbreviated reopening procedures either to permit trading to reopen before the scheduled closing or to establish closing prices. The NYSE has stated that it will file these reopening procedures with the Commission for approval and will circulate them to members and member organizations before these procedures are implemented.

[5] *See* Securities Exchange Act Release No. 25804 (June 15, 1988), 53 FR 23474.

[6] The futures exchanges have proposed analogous trading halts. For example, the Chicago Mercantile Exchange ("CME") proposed a 30-point price limit for its Standard and Poor's 500 Stock Index ("S&P 500") futures contract ("SPZ") that would be transformed into a one-hour NYSE–CME coordinated trading halt if the DJIA declines 250 points and the NYSE suspends trading. Upon reopening, CME trading would halt for two hours if the SPZ were to fall another 20 points, the DJIA declined 400 points, and the NYSE suspended trading for two hours. Letter from Todd E. Petzel, Vice President, Financial Research, CME, to Jean A. Webb, Secretary, Commodity Futures Trading Commission ("CFTC"), dated September 1, 1988. *See* letters to Jean A. Webb, Secretary, CFTC, from Paul J. Draths, Vice President and Secretary, Chicago Board of Trade ("CBT"), dated July 29, 1988; Michael Braude, President, Kansas City Board of Trade ("KCBT"), dated August 10, 1988; and Milton M. Stein, Vice President, Regulation and Surveillance, New York Futures Exchange ("NYFE"), dated September 2, 1988.

[7] Letter from Richard A. Gresso, President and Chief Operating Officer, NYSE, to Richard Ketchum, Director, Division of Market Regulation, Commission, dated October 17, 1988. The AMEX also imposed such a contingency in its proposed rule change, described *infra*. The AMEX subsequently amended its filing to make its rule effective upon the adoption of substantively identical rules by the NYSE, CBOE, and NASD. Letter from Claire P. McGrath, Staff Attorney, AMEX, to Howard Kramer, Assistant Director, Division of Market Regulation, Commission, dated October 17, 1988.

[8] For example, the NYSE is the primary market of the securities constituting 50% or more of the value of every index option traded on the CBOE, including the Standard and Poor's 100 Stock Index ("OEX") option. The CBOE would hold a reopening rotation for OEX options as soon as practicable after a determination is made that a halt was no longer in effect at the NYSE.

[9] Rule 24.7 also will be amended to remove the provision that trading in stock index options would be halted whenever trading in stocks repesenting 20% or more of the value of a market index (10% or more for an industry index) was halted. The CBOE would retain discretion to halt trading whenever two floor officials, in consultation with a designated senior executive officer of the CBOE, conclude in their judgment that such action is appropriate in the interest of a fair and orderly market and to protect investors. A trading halt in the underlying stocks whose weighted value represents 20% or more of the index value now will be one of three facts that may be considered by the CBOE in determining whether to halt trading in an index option.

[10] For example, trading would halt in the CBOE's S&P 500 Stock Index option ("SPX") ten minutes after circuit breakers have been activated to halt trading in the CME's S&P 500 futures contract.

halt for one hour if the DJIA declines 250 or more points from its previous day's closing level; once trading has been reopened, trading will halt for an additional two hours if the DJIA declines 400 points from the previous day's close. The AMEX proposal contains provisions for halting trading for the remainder of the day and using abbreviated reopening procedures that are substantially identical to the NYSE proposed procedures described in note 4, *supra*. The AMEX proposes to implement its rule change for a one-year pilot period.[11]

The AMEX's proposal also provides that the AMEX will halt trading in stock index options ten minutes after the AMEX has determined that specified circuit breakers have been activated to halt the trading of futures on the same or a related index and that there is no indication that active trading in the futures contract is about to commence. As with the CBOE proposal, the AMEX's proposed rule change provides that index option trading may resume two minutes after active trading has resumed in the futures contract, as long as the AMEX has determined that underlying securities constituting 50% or more of the index value are not subject to a trading halt in the primary market for such securities, and two Floor Governors in consultation with a senior executive officer of the AMEX conclude in their best judgment that the interests of a fair and orderly market are served by a resumption of trading.

(4) The NASD has filed with the Commission a Policy Statement on Market Closings ("Policy Statement"), File No. SR–NASD–88–46, that states that, at times when other major securities markets initiate market-wide trading halts in response to extraordinary market conditions, the NASD will, upon request from the Commission, act to halt domestic trading in all securities quoted on the National Association of Securities Dealers Automatic Quotation ("NASDAQ") system and domestic trading in equity or equity-related securities in the over-the-counter ("OTC") market. The NASD's Policy Statement will be effective until December 31, 1989 unless modified or extended prior to that date.

B. The "Sidecar" File Proposal

File No. SR–NYSE–88–22 contains proposed New Rule 80A. New Rule 80A deletes current Rule 80A, which imposed certain restrictions on the use of automated NYSE order routing systems during times of market volatility and was approved by the Commission on April 19, 1988 for a six month pilot period.[12]

The NYSE's proposed New Rule 80A will apply certain trading limitations during significant market declines. The restrictions of New Rule 80A will apply when the price of the primary S&P 500 futures contract ("S&P 500 futures") traded on the CME[13] falls 12 points below the previous trading day's closing value (the approximate equivalent of a 96 point fall in the DJIA). Under New Rule 80A, the public will be notified that the S&P 500 futures contract has declined 12 points and that the following action is being taken. For the next five minutes after the 12 point trigger value is reached, market orders involving program trading in each of the stocks underlying the S&P 500 futures entered into the NYSE's automated order-routing system, the Designated Order Turnaround ("DOT") System,[14] will be routed into a separate file for each of the stocks (the sidecar file). Buy and sell orders for each stock will be paired in the sidecar files to determine the extent of the order imbalance.

Five minutes after the price of the S&P futures reaches the trigger value, the orders in the file for each stock, and the order imbalance, if any, will be reported to the public and to the specialists for the stocks. At that point, the orders will be eligible for execution.[15] If there is not sufficient trading interest to allow for an orderly execution of a transaction in a stock, trading in that stock will halt. As with the circuit breaker proposal discussed above, trading would resume following such a halt pursuant to procedures to be adopted that will be similar to those used by the NYSE to open trading on Expiration Fridays. The sidecar file provisions would apply only once per day,[16] and would not apply during the last 35 minutes of a trading day.

"Program trading" will be defined in New Rule 80A to include "index arbitrage," as defined in current Rule 80A, as well as any coordinated trading strategy involving the related purchase or sale of a "basket" of 15 or more stocks with a market value of $1 million or more, even if the orders are not related to a future or an option on a stock market index and are not entered or executed contemporaneously.[17] "Index arbitrage" is defined as the trading of "baskets" or groups of stocks in conjunction with the trading of one or more cash-settled options or futures contracts on stock index groups, or options on such futures contracts (collectively referred to as "derivative index products") in an attempt to profit from price discrepancies between the stocks and derivative index products. The index arbitrage definition would require only that the purchase or sale of the derivative index products be related. Those trades would not have to be executed simultaneously, as some index arbitrage strategies allow for time lags between the executions of the two legs of a transaction.

The NYSE's proposed New Rule 80A also will restrict the entry of new stop orders or stop limit orders (collectively, "stop orders") for the remainder of the trading day when the 12 point trigger value has been reached. The only allowable stop orders would be individual investor orders of 2,099 shares or fewer where the individual investor has made the investment decision.[18] The rule would not allow such orders if they are entered by and pursuant to the instructions of professional managers, including investment advisors and account executives having discretion over an individual's account.

New Rule 80A, as well as the proposed amendments to Rule 80B, are

[11] The AMEX also proposes to amend Rule 918C to remove the provision that trading in stock index options shall be halted whenever trading in stocks representing 20% or more of the value of the index has been halted. The AMEX will retain discretion to halt trading in stock index options whenever such a halt is deemed appropriate in the interests of a fair and orderly market or to protect investors. A trading halt in the primary market for underlying stocks accounting for 20% or more of the index value now will be one of four factors that may be considered by the AMEX in determining whether to halt trading in an index option.

[12] Securities Exchange Act Release No. 25599 (April 19, 1988), 53 FR 13371.

[13] The primary futures contract is the one with the largest trading volume, usually the lead month contract. The CME will inform the NYSE when the primary futures contract changes.

[14] The DOT system, also known as SuperDOT, was developed by the NYSE to facilitate routing of orders from NYSE members' offices to the specialist in a particular stock on the floor of the NYSE.

[15] Orders in the sidecar file will have execution priority under NYSE Rule 72 as of the time the orders are reported to the specialist.

[16] The NYSE's circuit breaker proposal, described above, would apply to halt all trading if there were significantly greater market declines during a trading day.

[17] The NYSE stated that index arbitrage is included separately as a form of program trading because the NYSE seeks to capture within New Rule 80A certain forms of index arbitrage that may involve fewer than 15 securities or less than $1 million in market value.

[18] In its filing, the NYSE stated that the term "individual investor" is defined to parallel the concept of "natural person" contained in section 11(a)(1)(E) of the Act, including the Commission's interpretations pursuant to that section. Section 11(a)(1)(E) applies to "any transaction for the account of a natural person, or a trust (other than an investment company) created by a natural person for himself or another natural person."

the result of a cooperative effort between the NYSE and the CME, who have agreed to implement coordinated procedures to address market volatility. The CME also has proposed a new rule that will apply when the trigger value is reached. When the S&P futures falls 12 points, the CME will not permit the price of any futures contract on the S&P 500 to fall further for one-half hour. The CME will, in effect, impose a 30 minute price limit.[19]

The NYFE also has proposed a rule that will operate in conjunction with NYSE Rule 80A.[20] The NYFE will implement a price limit that will halt trading for thirty minutes when the NYSE Composite Index futures contract falls seven points (approximately 96 DJIA points). Similar provisions have been adopted by the NYFE for futures contracts on the Russell 3000, Russell 1000, and Russell 2000 stock indexes.

In support of proposed New Rule 80A, the NYSE argues that New Rule 80A responds to concerns expressed in the Commission staff's Market Break Report [21] on the interaction between the equities and futures markets, and the effect of such interaction on market volatility and investor confidence and participation in the stock market. In particular, the NYSE argues that channelling program trades into a sidecar file at times of market volatility is an attempt to isolate one potential cause of market volatility, program trading, from other market activity and to enhance the ability to offset order imbalances created by such program trading. Proposed New Rule 80A also will help reduce volatility by adopting special procedures when there are large order imbalances. The NYSE also believes that restricting professional use of stop orders will help to decrease market volatility during periods of market stress.

C. The "Investor Express" Proposal

In File No. SR–NYSE–88–24 the NYSE submitted a proposed rule change that will add a new feature to the NYSE's SuperDOT system, called the Individual Investor Express Delivery Service ("IIEDS"). Under IIEDS, simple market orders of individual investors [22] of up to 2,099 shares entered on the SuperDOT system will be given priority in delivery to the specialist's post for execution, ahead of any other orders being routed over the SuperDOT System. Under the proposal, IIEDS will be activated on any trading day when the DJIA rises or falls 25 points from the average as of the previous trading day's close, and will remain in effect for the remainder of the trading day that it is activated.

Only buy or sell round-lot market orders and good until canceled ("GTC") market orders are eligible for priority delivery, via SuperDOT, to the specialist under IIEDS.[23] Orders that are not eligible for IIEDS include market orders to buy minus, sell plus, sell short, or buy or sell stop, all or none orders, and all limit orders.[24] In addition, IIEDS will not be available for orders entered by and pursuant to instructions of professional managers, including investment advisors and account executives having discretion over an individual's account.

It should be noted that the proposed IIEDS service will only provide priority delivery to the specialist's post for eligible orders of individual investors entered on the SuperDot system. Once an IIEDS order has been delivered to the specialist's post, the order will be executed by the specialist in accordance with normal auction market procedures.[25]

In support of its proposal, the NYSE states that IIEDS is a reasonable means of enhancing the confidence of individual investors that their orders will be efficiently and effectively processed in the NYSE marketplace, particularly during volatile market conditions.

In addition, File No. SR–NYSE–88–24 contains a proposal to adopt new order identification codes that will provide more precise identification of customer and trading strategies. The new identification codes will facilitate the implementation of IIEDS and also will facilitate implementation of the limitations on trading during significant market declines contained in the NYSE's proposed New Rule 80A.[26]

The proposal will add new indicator code symbols to the principal/agency ("P/A") field for audit trail information member firms are required to provide for orders entered on the SuperDot system.[27] The new indicator code symbols will enable the NYSE to distinguish between orders for individuals and all other agency trading.[28]

In addition, the new indicator code symbols, supplementing those indicator code symbols already in use, will enable the NYSE to identify more precisely the trading strategies being utilized by the customer. For example, the proposed indicator code symbols will permit the NYSE to identify orders that are entered as program trading, and will enable the NYSE to determine whether the order is a part of an index arbitrage strategy and whether the order is for a member firm's proprietary account or for a customer's account. The new indicator code symbols identifying program trading will give the NYSE the capability to implement the proposed limitations on trading during periods of severe market declines contained in the NYSE's proposed New Rule 80A.[29]

II. Commission Analysis

The Commission continues to believe that the primary focus in responding to the events of October 1987 "should be on expanding the capacity of the markets through operational reforms and coordination measures," [30]

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[19] *See* letter from Todd E. Petzel, Vice President, Financial Research, CME, to Jean A. Webb, Secretary, CFTC, dated September 1, 1988.

[20] *See* letter from Milton M. Stein, Vice President, Regulation and Surveillance , NYFE, to Jean A. Webb, Secretary, CFTC, dated September 2, 1988.

[21] *The October 1987 Market Break* (February 1988) ("Staff Report").

[22] In its filing, the NYSE stated that the term "account of an individual investor" means an account under section 11(a)(1)(E) of the Act. *See* discussion at note 18, *supra*.

[23] IIEDS will provide odd-lot market orders priority delivery to the NYSE's limit order system for execution.

[24] The NYSE stated in its filing that a limit order which is canceled and replaced with a market order when it is entered as a single cancel/replacement order will not be eligible for IIEDS.

[25] The delivery priority granted IIEDS orders under the proposed rule change does not represent a change in priority or precedence rules for the execution of a bid or offer once it has been delivered to the specialist for execution. *See* NYSE Rules 71 and 72.

[26] *See* discussion at pp. 10–14, *supra*.

[27] For orders that are not entered on SuperDot, this audit trail information would be submitted after the order was executed for trade comparison purposes during the clearance and settlement process.

[28] For example, the NYSE indicator code symbols will distinguish individual trading from trading by a member firm on behalf of any other non-member or non-member organization.

[29] The NYSE has stated that it has reviewed the systems impact of the additional order identification code indicator symbol choices that will be used by SuperDot in connection with IIEDS. The Exchange has determined that the use of the new indicator code symbols for orders entered into SuperDot, which will be used by the system to determine whether an order is eligible for the IIEDS priority, will not degrade the capacity of the system because, although the proposal will add a number of choices for indicator code symbols identifying the type of customer and trading strategy, only a single indicator code symbol will be used for any given order. Thus, the system will still only need to read a single indicator code symbol in order to identify individual orders eligible for IIEDS. Telephone conversation between Brian McNamara, Managing Director, Market Surveillance, NYSE, and Robert Sevigny, Attorney, Division of Market Regulation, on October 14, 1988.

[30] Testimony of David S. Ruder, Chairman, Commission, "Securities and Exchange Commission Recommendations Regarding the October 1987 Market Break," before the U.S. Senate Committee on Banking, Housing, and Urban Affairs, at 7 (February 3, 1988) ("February 3rd Testimony").

including efforts to enhance liquidity and improve information availability. Indeed, the Commission notes that the markets have undertaken a variety of steps to increase their capacities since the October 1987 market break.

Nevertheless, the Commission is concerned about the potential impact of periods of extreme volatility such as those that characterized the U.S. securites markets in October 1977. Accordingly, the Commission recognizes that it is desirable to design coordinated mechanisms to deal with potential strains that may develop during periods of extreme downward volatility.

The Commission also agrees with recommendations contained in both the *Report of the Presidential Task Force on Market Mechanisms* ("Brady Report") and in the Working Group's Interim Report that coordinated trading halt and reopening procedures be developed that would be implemented in all U.S. markets for equity and equity-related products during large, rapid market declines. In particular, the Working Group recommended a one-hour trading halt if the DJIA declined 250 points from its previous day's closing level, and a subsequent two-hour trading halt if the DJIA declined 400 points below its previous day's closing level. The Working Group also recommended that the NYSE use reopening procedures, similar to those used on Expiration Fridays, that are designed to enhance the information made public about market conditions. The Working Group's proposal is designed to substitute planned trading halts for unplanned and destabilizing market closings and to implement predictable procedures that enhance information flows.

The Commission believes that the rule proposals it is approving today represent efforts by the securities and futures markets to arrive at coordinated means to address potentially destabilizing market volatility as well as to help prevent another decline of the severity of the October 1987 market break.[31] The proposals do not constitute an attempt to prevent markets from adjusting to new price levels; instead, they represent reasonable means to retard extremely rapid market declines that can have a destabilizing effect on the nation's financial markets and participants.

In regard to the specific proposals presented by the NYSE, AMEX, CBOE, and NASD, the Commission finds that the circuit breaker proposals, in conjunction with the related proposals filed by the futures exchanges, will help promote stability in the equity and equity-related markets by providing for increased information flows and enhanced opportunity to assess information during times of extreme market movements. The circuit breaker proposals thus will provide market participants with an opportunity to re-establish an equilibrium between buying and selling interest and will ensure that market participants have a reasonable opportunity to become aware of and respond to significant price movements.[32] The Commission notes that the NASD stated in its Policy Statement that the NASD will halt trading in securities quoted on the NASDAQ system and trading in the OTC market only upon request from the Commission. The Commission hereby requests that the NASD implement its Policy Statement by imposing a trading halt as quickly as practicable whenever the NYSE and other equity markets have suspended tading (*i.e.*, whenever the DJIA declines 250 or 400 points).

In addition, the Commission finds that the NYSE's sidecar file proposal may enhance the orderliness of the markets during periods of substantial volatility. Routing orders designated as program trades onto a sidecar file and publicly disseminating any order imbalances will enhance the ability to attract contra side orders to offset such imbalances. The sidecar file proposal also may help reduce volatility by adopting special procedures for halting trading in stocks when there are large order imbalances and for resuming trading after such a halt. The Commission also finds that allowing individual investors to enter new stop orders as part of their trading strategies, while restricting the professional use of such orders when certain trigger values are reached, represents a reasonable response to the problem presented by smaller, individual investors who may not be able to monitor market conditions on a continuous basis and who desire a measure of downside protection in a rapidly moving market. In contrast, market professionals are able to monitor the market on a continuous basis and have less of a need to enter such orders in a rapidly moving market.

The Commission finds that the NYSE's investor express proposal may help restore confidence of individual investors that their orders will be efficiently and effectively handled in the NYSE marketplace during periods of volatility. More specifically, the IIEDS proposal will ensure that individual investors will not be in a position where their orders experience a delay in being routed to the specialist's post because they were waiting in queue behind larger institutional orders. At the same time, the existing priority rules for order execution will remain intact.

Accordingly, the Commission finds that the proposed rule changes filed by the NYSE, CBOE, AMEX, and NASD are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and/or to a national securities association, and, in particular, the requirements of section 6[33] and/or section 15A[34] and the rules and regulations thereunder.

The Commission finds good cause for approving the COBE, AMEX, and NASD proposed rule changes prior to the thirtieth day after the date of publication of the proposals in the **Federal Register** because they are similar in content to the published NYSE filing. In light of the absence of any comments on the NYSE filing and the Commission's view of the benefit that may accrue from adoption of coordinated circuit breakers that respond to stock market volatility and that may increase investor confidence in the markets, the Commission believes a good cause finding is fully justified. The Commission also finds good cause to accelerate the NYSE investor express proposal because we believe that the rule change can substantially increase investor confidence in the fairness of the securities markets.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the

[31] The Brady Report recommended, among other things, that circuit breaker mechanisms, in order to be effective, need to be coordinated across stock, stock index futures, and options markets in order to prevent intermarket failure of the kind experienced in October, 1987. *See* Brady Report. 66.

[32] The Commission notes that CBOE proposes to amend Rule 24.7 to remove the provision that states that trading in stock index options shall be halted whenever trading in stocks representing 20% or more of the value of a market index (10% or more for an industry index) has been halted. The Commission believes the proposed amendment does not reflect a change in CBOE's trading halt policy because a trading halt in underlying stocks whose weighted value represents 20% or more of the index value now will be one of three facts that may be considered by the CBOE in determining whether to halt trading in an index option. The Commission also believes that the fact that the concurrence of two CBOE floor officials and a designated senior executive officer of the CBOE is required before trading may resume should provide protection that the interests of a fair and orderly market are served by the resumption of trading after such a trading halt. Likewise, the Commission believes that the AMEX's similar proposal, described in note 11, *supra*, does not reflect a change in the AMEX's trading halt policy.

[33] 15 U.S.C. 78f (1982).

[34] 15 U.S.C. 78o–3 (1982).

Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change because the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE, CBOE, NASD, or AMEX. All submissions should refer to file number SR–NYSE–88–24, SR–CBOE–88–14, SR–NASD–88–46, or SR–AMEX–88–24, and should be submitted by November 14, 1988.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[35] that the proposed rule changes are approved.

By the Commission.

Jonathan G. Katz,

Secretary.

Dated: October 19, 1988.

[FR Doc. 88–24517 Filed 10–21–88; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of action subject to intergovernmental review under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to fund two additional Small Buisness Development Centers (SBDCs) during fiscal year 1989, subject to availability of funds. Currently, there are 52 SBDCs operating in the SBDC program. The two new SBDCs intended to be funded are California and Hawaii. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the proposal developers for the SBDCs expected to be funded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed funding in accord with the Executive Order and SBA's regulations found at 13 CFR Part 135.

DATE: Comments will be accepted through January 23, 1989.

ADDRESS: Comments should be addressed to Ms. Janice E. Wolfe, Deputy Associate Administrator for Business Development for SBDC Program, U.S. Small Business Administration, 1441 L Street NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accord with these regulations, specifically 135.4, SBA is publishing this notice to provide public awareness of the pending applications for funding of two proposed Small Business Development Centers (SBDCs). Also, published herewith is an annotated program announcement describing the SBDC program in detail.

The proposed SBDCs will be funded at the earliest practicable date following the 90-day comment period. However, no funding will occur unless all comments have been considered. Relevant information identifying the two proposed SBDCs and providing the mailing address of the proposal developers is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to each of the affected State single points of contact which have been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. The SBDC proposal cannot be inconsistent with any area-wide plan providing assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Ms. Janice E. Wolfe, Deputy Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Comments will be accepted by the relevant SBDC and SBA for a period of 90 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 90-day period. If the comments cannot be accommodated by the relevant SBDC, SBA will, prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commentor prior to refunding the SBDC.

Description of the SBDC Program

The Small Business Development Center (SBDC) Program is a Business Development program of the U.S. Small Business Administration (SBA). The SBDC operates under the general management and oversight of SBA, but with recognition that a partnership exists between the Agency and the SBDC for the delivery of assistance to the small business community. SBDC services shall be provided pursuant to a negotiated Cooperative Agreement with full participation of both parties. SBDCs operate on the basis of a state plan to provide assistance within a state or designated georgraphical area. The initial plan must have the written approval of the Governor. As a condition to any financial award made to an applicant, non-Federal funds must be provided from sources other than the Federal Government. SBDCs operate under the provisions of Pub. L. 96–302, as amended by P.L. 98–395, a Notice of Award (Cooperative Agreement) issued by SBA, and the provisions of this Program Announcement.

Purpose and Scope

The SBDC Program is designed to provide quality assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. To accomplish these objectives, SBDCs link resources of the Federal, State, and local governments with the resources of the educational system and the private sector to meet the specialized and complex needs of the small business community. SBDCs also coordinate with other SBA programs of business development and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the state, academic community and private sector to:

(a) Strengthen the small business community;

(b) Contribute to the economic growth of the communities served;

(c) Make assistance available to more small businesses than is now possible with present Federal resources

[35] 15 U.S.C. 78s(b)(2) (1982).

(d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDCs are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a full-time Director. SBDCs must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDCs provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDCs emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise.

These areas may include, but are not limited to: management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association), exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State. The SBDC shall also ensure that a full range of business development and technical assistance services are made available to small businesses located in rural areas.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDCs should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDCs should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities:

(a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small business that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

The Lead SBDC and all SBDC subcenters shall operate on a forty (40) hour week basis, or during the normal business hours of the State or Host Organization, throughout the calendar year. The amount of time allowed the Lead SBDC and subcenters for staff vacations and holidays shall conform to the policy of the Host organization.

Date: October 18, 1988.

James Abdnor,

Administrator.

Address of Proposed SBDCs and Proposal Developers

Dr. Edward Kormandy, Chancellor, University of Hawaii at Hilo, Hilo, Hawaii 96720, (808) 961–9444.

Mr. Richard B. Nelson, Executive Director, State of California, Department of Commerce, Office of Small Business, 1121 L Street, Suite 600, Sacramento, California 95814, (916) 445–6545.

[FR Doc. 88–24494 Filed 10–21–88; 8:45 am]

BILLING CODE 8025–01–M

Region IX Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, Hawaii, will hold a public meeting at 9:30 a.m. on Thursday, November 10, 1988 at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Conference Room 5309, Honolulu, Hawaii 96850, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other present.

For further information, write or call Charles T.C. Lum, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850 (808) 541–2990.

Jean M. Nowak,

Director, Office of Advisory Councils.

October 18, 1988.

[FR Doc. 88–24495 Filed 10–21–88; 8:45 am]

BILLING CODE 8025–01–M

[License No. 02/02–0517]

Sterling Commercial Capital, Inc.; Issuance of a Small Business Investment Company License

On July 15, 1988, a notice was published in the **Federal Register** (53 FR 26926) stating that an application has been filed by Sterling Commercial Capital, Inc., 175 Great Neck Road,

Great Neck, New York 11021, with the Small Business Administration (SBA) pursuant to §107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1988)) for a license as a small business investment company.

Interested parties were given until close of business August 15, 1988, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02–0517 on October 3, 1988, to Sterling Commercial Capital, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: October 17, 1988.

[FR Doc. 88–24496 Filed 10–21–8; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice CM–8–1230]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 1:30 p.m. on Nov. 16, 1988, in room 6103, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

The purpose of the meeting is to finalize preparations for the 56th Session of the Council of the International Maritime Organization (IMO) which is scheduled for 21–25 November 1988 in London. In particular, the SHC will discuss the development of U.S. positions dealing with, inter alia, the following topics.

—Reports of the Major Committees
—Financial Matters
—Personnel Matters

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. G.P. Yoest, U.S. Coast Guard Headquarters (G–CPI), 2100 Second Street, SW., Washington, DC 20593 or by calling: 202–267–2280.

October 13, 1988.

Thomas J. Wajda,

Chariman, Shipping Coordinating Committee.

[FR Doc. 88–24476 Filed 10–21–88; 8:45 am]

BILLING CODE 4710–07–M

UNITED STATES SENTENCING COMMISSION

Public Hearing on Organizational Sanctions

AGENCY: United States Sentencing Commission.

ACTION: Notice of public hearing. Request for public comment on discussion materials.

SUMMARY: This notice announces a public hearing scheduled by the U.S. Sentencing Commission for Pasadena, California, on December 2, 1988, to consider the development of guidelines and policy statements for sentencing organizations found guilty of Federal criminal offenses. In addition, this notice invites public analysis and comment regarding discussion materials on organizational sanctions published by the Commission.

DATE: A public hearing on the topic of organizational sanctions is scheduled for: December 2, 1988, 9:30 a.m. to 4 p.m., Courtroom Three, United States Court of Appeals, 125 S. Grand Avenue, Pasadena, CA.

The Commission encourages interested persons to submit written comments regarding its Discussion Materials on Organizational Sanctions (available from the Commission upon request) or other written statements on the subject of organizational sanctions.

ADDRESS: Written statements, comments on the Commission's Discussion Materials, requests to testify, and other written communications may be mailed to: United States Sentencing Commission, 1331 Pennsylvania Avenue NW., Suite 1400, Washington, DC 20004, Attention: Organizational Sanctions Comment.

FOR FURTHER INFORMATION CONTACT: Paul K. Martin, Communications Director for the Commission, telephone (202) 662–8800.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent commission in the judicial branch of the United States Government that is charged with the responsibility of establishing sentencing policies and practices for the Federal criminal justice system. The Commission has promulgated sentencing guidelines and policy statements applicable to most Federal offenses committed by individuals.

The preliminary draft guidelines previously published by the Commission in the October 1, 1986, **Federal Register** (52 FR 35079) also included discussions of general approaches to organizational sentencing. However, the Commission's initial set of sentencing guidelines and policy statements, published in the May 13, 1987, **Federal Register** (52 FR 18046), deferred promulgation of guidelines for organizational defendants except with respect to fines for antitrust offenses.

After further review and research, the Commission now is considering the development of more comprehensive guidelines and policy statements for sentencing organizations. The Commission invites public comment on all aspects of organization sanctions and public participation in the hearing. As a vehicle for stimulating the broadest possible range of public input, the Commission is distributing a volume entitled "Discussion Materials on Organizational Sanctions" that contains (i) A discussion draft of sentencing guidelines and policy statements covering all types of organizational sentences (restitution, forfeitures, fines, notice to victims, and probation), (ii) a partial alternative to the discussion draft, consisting of a draft proposal on standards for organizational probation, (iii) an empirical report on sentencing of organizations in the Federal courts during the period of 1984 through 1987, and (iv) a staff working paper on criminal sentencing policy for organizations. In addition, the Discussion Materials include a general statement of the subjects and issues regarding organizational sanctions on which the Commission particularly invites public analysis and comment and a reprint of Standard 18–2.8 (Organizational Sanctions) of the American Bar Association's Standards for Criminal Justice (1980 and Supp. 1986).

Copies of the Discussion Materials may be obtained from the Commission upon request. The Commission encourages interested persons to obtain and comment upon the Discussion Materials; however, the Commission emphasizes that it has not adopted any of the approaches suggested in the Discussion Materials and welcomes comments suggesting alternative approaches.

Authority: Section 217(a) of the Comprehensive Crime Control Act of 1984 (28 U.S.C. 994, 995).

William W. Wilkins, Jr.,

Chairman.

[FR Doc. 88–24524 Filed 10–21–88; 8:45 am]

BILLING CODE 2210–40–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 205
Monday, October 24, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, October 26, 1988. See times below.

LOCATION: Room 556, Westwood Towers, 5401 Westland Avenue, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

10:00 a.m. *Open to the Public*

1. ATV Voluntary Standard

The Commission will consider the proposed voluntary standard for all-terrain vehicles developed under the provision of the Consent Decrees in *United States v. American Honda Motor Co., Inc., et al.*, Civil Action No. 87-3525.

2. Lawn Darts Final Rule

The Commission will consider a draft **Federal Register** notice banning lawn darts capable of causing skull puncture injury. The rule was proposed in the **Federal Register** on July 29, 1988 (53 FR 28657).

3. Tremolite in Limestone Products, HP 87-1

The staff will brief the Commission on Petition HP 87-1 from Mark Germine concerning tremolite in limestone products.

2:00 p.m. Closed to the Public

4. Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-432-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westland Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 88-24614 Filed 10-20-88; 2:48 pm]

BILLING CODE 6355-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Monday, October 31, 1988.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200-C the Second Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington DC 20507.

STATUS: Part of the Meeting will be Open to the Public and Part will be Closed to the Public.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s).
2. Regulations Implementing section 504 of the Rehabilitation Act in the Commission's Federally Conducted Programs: FINAL RULE: Response to Public Comments on Notice of Proposed Rulemaking.
3. Proposed Changes to Title VII and the ADEA Recordkeeping Regulations.

Closed Session

Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at any time for information on these meeting.)

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 634-6748.

Date: October 19, 1988.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 88-24553 10-20-88; 2:17 pm]

BILLING CODE 6750-06-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:07 p.m. on Tuesday, October 18, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,260 (Amendment)
Houston Consolidated Office, Houston, Texas.

Matters relating to the possible closing of certain insured banks.

An administrative enforcement proceeding against an insured bank.

Memorandum regarding the Corporation's corporate activities.

Matters relating to an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: October 19, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 88-24529 Filed 10-20-88; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL ENERGY REGULATORY COMMISSION

October 19, 1988

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND PLACE: October 26, 1988, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commision. It does not include a listing of all papers relevant to the items on the agenda;

however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 885th Meeting—October 26, 1988, Regular Meeting (10:00 a.m.)

CAP–1.
Project Nos. 10406–001 and 10405–003, Craig W. Scott
CAP–2.
Project No. 5146–005, The City of Allentown, Pennsylvania
CAP–3.
Project No. 9999–001, WV Hydro, Inc. and the City of St. Marys, West Virginia
CAP–4.
Project No. 3490–004, Potter Township, Pennsylvania
CAP–5.
Project No. 9664–001, St. Joe River Rafters
Project No. 9666–002, Marble Creek Associates
Project No. 9656–004, Marble Creek Hydro, Inc.
Project No. 106733–000, Marble Creek Hydro Associates
CAP–6.
Project No. 10081–001, County of Tuolumne and Turlock Irrigation District
Project No. 9990–001, Clavey River Hydroelectric Company
CAP–7.
Project No. 7267–004, Joseph Martin Keating
CAP–8.
Project Nos. 2756–000, –003 and –008, City of Burlington Electric Department
Project Nos. 3101–001 and –002, CIty of Winooski
Project Nos. 9413–001 and –002, Winooski One Partnership
CAP–9.
Docket No. EL84–37–000, Aquenergy Systems, Inc.
CAP–10.
Docket No. QF86–138–002, GWF Power Systems Company, Inc.
CAP–11.
Docket Nos. ER88–579–000, ER88–586–000, ER85–598–001, ER85–607–000, ER85–621–000, ER85–634–000, ER85–648–000, ER85–763–000, ER86–262–000, ER86–341–000, ER87–593–000, ER88–465–000, ER88–554–000 and ER88–558–000, Niagara Mohawk Power Corporation
CAP–12.
Docket No. ER88–582–000, New England Power Pool
CAP–13.
Docket No. ER88–588–000, Columbus Southern Power Company
Docket No. ER88–589–000, Kentucky Power Company
Docket No. ER88–593–000, Appalachian Power Company
Docket No. ER88–597–000, Ohio Power Company
Docket No. ER88–598–000, Indiana Michigan Power Company
CAP–14.
Docket No. ER88–456–001, Central Vermont Public Service Corporation
CAP–15.
Docket No. ER88–527–001, Union Electric Company
CAP–16.
Docket Nos. ER88–304–002 and ER88–305–001, Niagara Mohawk Power Corporation
CAP–17.
Docket Nos. ER87–72–003 and ER87–73–002, Orange & Rockland Utilities, Inc.
CAP–18.
Docket Nos. ER86–694–003 and ER88–273–001, New England Power Pool
CAP–19.
Docket No. QF88–262–001, Everett Energy Corporation
CAP–20.
Docket No. ER81–177–009, Southern California Edison Company
CAP–21.
Docket No. ER88–77–000, Duke Power Company
CAP–22.
Docket No. ER88–75–001, Northern States Power Company (Minnesota)
CAP–23.
Docket No. ER87–476–000, Minnesota Power & Light Company

Consent Miscellaneous Agenda

CAM–1.
Docket No. RM88–29–000, Annual Charges Under the Omnibus Budget Reconciliation Act of 1986
CAM–2.
Docket No. RM88–28–000, Revision of Filing Fees for Natural Gas Rate and Tariff Filings
CAM–3.
Docket No. RM82–23–000, Revision of Report by Natural Gas Pipeline Companies on Service Interruptions Occurring on the Pipeline System
CAM–4.
Docket No. GP84–23–029 (Phase 2), Stowers Oil & Gas Company, Panhandle Energy Corp., Prairie Oil Co., Sharon Oil Co., Almac Oil Co., Judy Oil Co., Kim Petroleum Co., Inc., Komanche Oil & Gas Co., Omega Energy, Tumbleweed Production, Panstar Oil & Gas, Inc., Dennis Mills Enterprises, Wy-Vel Corp., Walker Operating Corp., and 3W Oil, Inc.
CAM–5.
Docket No. GP86–51–001, Northern Natural Gas Company, Division of Enron Corp. v. Cabot Pipeline Corporation and Texaco Producing Inc.

Consent Gas Agenda

CAG–1.
Docket Nos. RP88–256–000 and 001, West Texas Gas, Inc.
CAG–2.
Docket Nos. RP88–257–000, RP88–181–000, RP86–94–005 and 006, Sea Robin Pipe Line Company
CAG–3.
Docket No. RP88–259–000, Northern Natural Gas Company, Division of Enron Corp.
CAG–4.
Docket Nos. RP88–260–000 and 001, CNG Transmission Corporation
CAG–5.
Docket No. RP88–261–000, Black Marlin Pipeline Company
CAG–6.
Docket No. RP88–262–000, Panhandle Eastern Pipe Line Company
CAG–7.
Docket No. RP88–263–000, United Gas Pipe Line Company
CAG–8.
Docket Nos. RP88–265–000 and RP88–92–000, United Gas Pipe Line Company
CAG–9.
Docket Nos. RP88–266–000, RP88–181–000, RP86–94–005 and 006, Sea Robin Pipeline Company
CAG–10.
Docket No. RP88–94–009, Natural Gas Pipeline Company of America
CAG–11.
Docket No. RP88–253–000, Florida Gas Transmission Company
CAG–12.
Docket No. RP88–264–000, United Gas Pipe Line Company
CAG–13.
Docket Nos. RP88–267–000 and 001, South Georgia Natural Gas Company
CAG–14.
Docket No. TA89–1–41–000, Paiute Pipeline Company
CAG–15.
Docket No. TQ89–1–46–000, Kentucky West Virginia Gas Company
CAG–16.
Docket No. TA89–1–58–000, Texas Gas Pipe Line Corporation
CAG–17.
Docket No. TA89–1–23–000, Eastern Shore Natural Gas Company
CAG–18.
Docket Nos. TA89–1–51–000 and TM89–1–51–000, Great Lakes Gas Transmission Company
CAG–19.
Docket No. TA89–45–000, Inter-City Minnesota Pipelines, Ltd., Inc.
CAG–20.
Docket Nos. TA89–1–5–000, –001 and RP88–140–003, Midwestern Gas Transmission Company
CAG–21.
Docket No. TQ89–2–21–000, Columbia Gas Transmission Corporation
CAG–22.
Docket No. TQ89–1–49–000, Williston Basin Interstate Pipeline Company
CAG–23.
Docket No. TQ89–2–37–000, Northwest Pipeline Corporation
CAG–24.
Docket No. TQ89–1–29–000, Transcontinental Gas Pipe Line Corporation
CAG–25.
Docket No. TF89–1–7–000, Southern Natural Gas Company
CAG–26.
Docket No. RP87–61–003, Eastern Shore Natural Gas Company
CAG–27.
Docket Nos. RP88–17–015 and –017, Southern Natural Gas Company
CAG–28.
Docket No. RP88–211–002, CNG Transmission Corporation
CAG–29.
Docket Nos. RP88–164–000 and 002, West Texas Gas, Inc.
CAG–30.
Docket Nos. RP88–207–004 and 002, Columbia Gas Transmission Corporation

CAG–31.
Docket Nos. TA88–4–42–000 and TQ89–1–42–000, Transwestern Pipeline Company
CAG–32.
Docket No. TA88–2–23–000, Eastern Shore Natural Gas Company
CAG–33.
Docket No. RP88–230–001, Texas Gas Transmission Corporation
CAG–34.
Docket No. RP88–80–009, Texas Eastern Transmission Corporation
CAG–35.
Docket No. RP88–241–001, Panhandle Eastern Pipe Line Company
CAG–36.
Docket No. RP88–240–001, Panhandle Eastern Pipe Line Company
CAG–37.
Docket Nos. RP88–221–001, RP88–67–009 and RP88–81–004, Texas Eastern Transmission Corporation
CAG–38.
Docket No. RP88–229–002, Southern Natural Gas Company
CAG–39.
Docket No. RP88–228–002, Tennessee Gas Pipeline Company
CAG–40.
Docket No. RP88–223–002, Texas Eastern Transmission Corporation
CAG–41.
Docket Nos. RP88–187–002 and 006, Columbia Gas Transmission Corporation
CAG–42.
Docket Nos. RP88–217–002, TA88–1–22–002 and 003, CNG Transmission Company
CAG–43.
Docket Nos. TQ88–2–9–001, TM88–1–9–001 and TA88–1–9–004, Tennessee Gas Pipeline Company
CAG–44.
Docket No. RP82–114–012, Williams Natural Gas Company
CAG–45.
Docket Nos. RP88–68–003 and RP87–7–033, Transcontinental Gas Pipe Line Corporation
CAG–46.
Docket No. RP88–207–003, Columbia Gas Transmission Corporation
CAG–47.
Docket No. RP88–182–000, Gas Research Institute
CAG–48.
Docket No. RP84–34–000, Midwestern Gas Transmission Company
CAG–49.
Omitted
CAG–50.
Docket No. RP87–39–000, Williams Natural Gas Company
CAG–51.
Docket No. RP85–148–007, Transcontinental Gas Pipe Line Corporation
Docket No. RP85–170–004, Texas Eastern Transmission Corporation
Docket No. RP85–181–002, Texas Gas Transmission Corporation
Docket No. RP85–202–002, Trunkline Gas Company
Docket No. RP85–203–003, Panhandle Eastern Pipe Line Company
CAG–52.
Docket Nos. RP88–227–002 and CP88–87–004, Paiute Pipeline Company
CAG–53.
Docket No. RP86–080–000, Jupiter Energy Corporation
CAG–54.
Docket No. IS85–15–000, Southern Pacific Pipe Lines, Inc.
CAG–55.
Docket No. IS88–24–000, Texas Eastern Products Pipeline Company
CAG–56.
Docket No. ST88–4014–000, Taft Pipeline Company
CAG–57.
Docket Nos. ST88–4223–000 and ST88–4224–000, Transco-Louisiana Intrastate Pipeline Company
CAG–58.
Docket No. ST88–4246–000, Mississippi Valley Gas Company
CAG–59.
Docket No. ST88–4279–000, Cranberry Pipeline Corporation
CAG–60.
Docket No. ST88–5350–000, Monterey Pipeline Company
CAG–61.
Docket No. G–4579–056, *et al.*, Cities Service Oil and Gas Corporation (Operator), *et al.*
CAG–62.
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P–1.
Reserved

II. Electric Rate Matters

ER–1.
Reserved.

Miscellaneous Agenda

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Reserved
M–2.
Reserved

I. Pipeline Rate Matters

RP–1.
(A) Docket No. RP88–184–001, El Paso Natural Gas Company. Rehearing order concerning Order No. 500 prudence and El Paso's appeal.
(B) Docket Nos. RP88–198–001, 002 and 003, Transwestern Pipeline Company. Rehearing order concerning Order No. 500, take-or-pay and direct billing.
RP–2.
Omitted.

II. Producer Matters

CI–1.
Reserved

III. Pipeline Certificate Matters

CP–1.
Docket Nos. CP87–479–003 and CP87–480–001, Wyoming-California Pipeline Company. Order on request for rehearing of declaratory order issued July 1, 1988.

Lois D. Cashell,

Secretary.

[FR Doc. 88–24644 Filed 10–20–88; 3:51 pm]

BILLING CODE 6717–01

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet in executive session on Thursday, February 23, 1989, from 8:30 a.m. to 10:00 a.m. They will meet in public on Thursday, February 23 from 10:00 a.m. to 5:30 p.m., on Friday, February 24, from 9:00 to 5:30 p.m., and on Saturday, February 25, from 9:00 a.m. to 1:00 p.m.

PLACE: Doubletree Hotel, 2 Portola Plaza, Monterey, California 93940.

STATUS: The executive session will be closed to the public. All other portions of the meeting will be open to public observation. Public participation will be allowed if time permits and such participation is determined to be desirable by the Chairman.

MATTERS TO BE CONSIDERED: While the Commission and Committee will meet in public session to discuss a broad range of marine mammal issues, key topics for discussion will be: Actions to be taken as a result of amendments to the Marine Mammal Protection Act; marine mammal/fishery interactions; the tuna/porpoise issue; the Southern sea otter; and international whaling.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, DC 20006 (202) 653–6237.

Date: October 20, 1988.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 88–24599 Filed 10–20–88; 2:19 pm]

BILLING CODE 6820–31–M

SECURITIES AND EXCHANGE COMMISSION

AGENCY MEETINGS

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of October 24, 1988.

A open meeting will be held on Tuesday, October 25, 1988, at 10:00 a.m., in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Grundfest, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, October 25, 1988, at 10:00 a.m., will be:

Consideration of whether to issue a concept release on timely review of interim financial information. The concept release invites comments on whether the Commission should propose a requirement that (1) interim financial data of registrants be reviewed by independent accountants before such information is filed with the commission and (2) a report issued by the independent accountant upon completion of his review be included by the registrant in its Form 10–Q and in any registration statements that include interim information. For further information, please contact Jack Parsons at (202) 272–2130.

The subject matter of the closed meeting scheduled for Tuesday, October 25, 1988, following the 10:00 a.m. open meeting, will be:

Settlement of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Formal orders of investigation.

Motion to dismiss injunctive action.

Institution of injunctive action.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kevin Fogarty at (202) 272–3195.

Jonathan G. Katz,

Secretary.

October 19, 1988.

[FR Doc. 88–24587 Filed 10–20–88; 2:18 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Opening meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, October 19, 1988.

CHANGE IN THE MEETING: Additional item.

The following item will be considered at an open meeting on Tuesday, October 25, 1988, at 10:00 a.m.:

Consideration of whether to publish for comment a release proposing alternative versions of new Rule 144A that would provide a safe harbor from the registration requirements of the Securities Act of 1933 for resale of securities to institutional investors. Additionally, consideration of whether to publish for comment a proposal to amend Rules 144 and 145 under the Securities Act, under which the holding period for restricted securities would commence at the time the securities are sold by the issuer or its affiliate. For further information, please contact Sara Hanks or Samuel Wolff at (202) 272–3246, or as to changes to Rules 144 and 145, Catherine Dixon at (202) 272–2573.

Commissioner Grundfest, as duty officer, determined that Commission business required the above change.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kevin Fogarty at (202) 272–3195.

Jonathan G. Katz,

Secretary.

October 20, 1988.

[FR Doc. 88–24646 Filed 10–20–88; 4:01 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 53, No. 205
Monday, October 24, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3367-6]

Standards of Performance for New Stationary Sources; Methods 5F Amendment; Addition of Barium-Thorin Titration Procedure for Sulfates

Correction

In rule document 88-17800 beginning on page 29681, in the issue of Monday, August 8, 1988, make the following corrections:

1. On page 29683, in the first column, in 7.1.3.3, in the eighth line, "method" should read "Method".

2. On the same page, in the third column, in 7.1.5.1, in the 10th line, "ba($C1O_4$)$_2$" should read "Ba(ClO_4)$_2$".

3. On the same page, in the same column, in 7.1.5.1, in the 20th line, "Ba($C1O_4$)$_2$" should read "Ba(ClO_4)$_2$".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 233

[FRL-3214-1]

Clean Water Act Section 404 Program Definitions and Permit Exemptions; Section 404 State Program Regulations

Correction

In rule document 88-12632 beginning on page 20764 in the issue of Monday, June 6, 1988, make the following correction:

§ 233.50 [Corrected]

On page 20783, in the third column, in § 233.50(b), in the ninth line, "45 days" should read "15 days".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 270

[FRL 3388-2]

Permit Modifications for Hazardous Waste Management Facilities

Correction

In rule document 88-21903 beginning on page 37912 in the issue of Wednesday, September 28, 1988, make the following correction:

Appendix I to § 270.42 [Corrected]

On page 37941, in Appendix I to § 270.42, in the last entry, in the bottom line, in the right hand column, insert "2".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 87N-0160]

D&C Red No. 33

Correction

In rule document 88-19541 beginning on page 33110 in the issue of Tuesday, August 30, 1988, make the following corrections:

1. On page 33110, in the third column, in the **SUMMARY**, in the second line, "FDS" should read "FDA".

2. On page 33111, in the second column, in the first complete paragraph, in the ninth line, "naphtol" should read "naphthol".

3. On the same page, in the same column, in the last line, "latest" was misspelled.

4. On page 33112, in the third column, in the seventh line, "data" should read "date".

5. On page 33113, in the third column, in the last complete paragraph, in the third line, "0.25" should read "0.025".

6. On page 33116, in the first column, in the fourth complete paragraph, in the seventh and eighth lines, "Θg" should read "μg".

7. On the same page, in the second column, Table II was inaccurate and is republished in its entirety as follows:

TABLE II—ESTIMATED IMPURITY EXPOSURE AT THE SPECIFICATION LIMITS

Impurity	Specification (ppb)	High User Exposure (ng/day) [1]	
		Systemic	Dermal
4-Aminoazobenzene	100	0.02	0.08
4-Aminobiphenyl	275	0.04	.....
Aniline	25,000	4.0	.....
Azobenzene	1,000	0.?	.....
Benzidine	20	0.003	.....
1,3-Diphenyltriazene	125	0.02	0.1

[1] ng = Nanograms (1 billionth of a gram).

8. On the same page, in the same column, in the first paragraph, in the eighth line, "Θg" should read "μg". In the second paragraph, in the eleventh line, after "user" insert "external". In the twelfth line, "Θg" should read "μg".

9. On page 33117, in the third column, in the first complete paragraph, in the first line, "1,-Diphenyltriazene" should read "1,3-Diphenyltriazene".

10. On page 33118, in the second column, Table III was inaccurate and is republished in its entirety as follows:

TABLE III—UPPER BOUND RISK ESTIMATES BASED ON SPECIFICATIONS FOR CARCINOGENIC IMPURITIES IN D&C RED NO. 33

Impurity	Lifetime cancer risk	
4-Aminoazo-benzene [1]	0.000000002	($2X10^{-9}$)
4-Aminobiphenyl	0.00000002	($2X10^{-8}$)
Aniline	0.00000000004	($4X10^{-11}$)
Azobenzene	0.00000000002	($2X10^{-11}$)
Benzidine	0.00000002	($2X10^{-8}$)
1,3-Diphenyltriazene [1]	0.00000000001	($1X10^{-11}$)
Sum [2]	0.00000004	($4X10^{-8}$)

[1] The risk for skin cancer is used here because it is higher than the risk estimated for systemic cancer.
[2] In summing risk estimates, numbers have been rounded off to the nearest significant figure.

11. On page 33119, in the first column, in the heading, "References" was misspelled.

BILLING CODE 1505-01-D

LEGAL SERVICES CORPORATION

45 CFR Part 1626

Restrictions on Legal Assistance to Aliens

Correction

In proposed rule document 88-24154 beginning on page 40914 in the issue of Wednesday, October 19, 1988, make the following corrections:

1. On page 40915, in the first column, under **SUPPLEMENTARY INFORMATION**, in the third line, "Pub. L. 98-377" should read "Pub. L. 97-377".

§ 1626.2 [Corrected]

2. On page 40916, in the second column, "§ 162.2 Definitions" should read "§ 1626.2 Definitions".

§ 1626.3 [Corrected]

3. On the same page, in the third column, in § 1626.3(a)(2), in the sixth line, "and" should read "an".

4. On the same page, in the same column, in § 1626.3(c)(2). beginning in the 10th line, the last sentence was incomplete and should read as follows: "Consequently, the prohibition of assistance on behalf of an ineligible alien extends to all legal assistance wherein the admission of a person into the United States is sought and to any other immigration matter wherein an eligible alien is assisted to aid or facilitate the adjustment of the status of an ineligible alien."

BILLING CODE 1505-01-D

federal register

Monday
October 24, 1988

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 USC 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1988 edition of the semiannaul **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street, NW., Washington, DC 20503, (202) 395-6993.

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INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The Regulatory Information Service Center compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) (46 FR 13193; 3 CFR 1981 Comp., p. 127) and 12498 (Regulatory Planning Process) (50 FR 1036; 3 CFR 1985 Comp., p. 323). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Unified Agenda differ in several ways.

The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings they have under development. This year's Regulatory Program covers only 26 of the major Federal regulatory agencies, and includes only the most significant of all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 55 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. The Council on Environmental Quality and the National Capital Planning Commission usually publish a regulatory agenda, but have nothing to report for this edition of the Unified Agenda. Agencies of the United States Congress are not included.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

The Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, abstract, legal deadline, timetable, effects on small entities and levels of government, and agency contact. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

Dated: October 1, 1988.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register.** The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process, or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule, or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

Entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action was included in the **Regulatory Program of the United States Government** for the 1988 program year, or
  b. The agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (USC) or Public Law (PL) or the Executive order (EO) that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to USC or PL references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to

the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.

- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/88 means the agency can predict the month and year the action will take place, but not the day it will occur.
- Effects on Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Effects on Levels of Government -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 26, 1988, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the 17th public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

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Monday
October 24 1988

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Fall 1988

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: August 26, 1988.

Jacquelyn C. Patterson,

Chief, Regulatory & Legislative Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Fees for Service for Voluntary and Mandatory Programs	0581-AA19

Agricultural Stabilization and Conservation Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2	CCC Cotton Loan Program Regulations--Settlement, Fraud, and Conversion Provisions	0560-AB22
3	Burley Tobacco Price Support Restrictions for Nonbaled Tobacco and Nonstandard Containers	0560-AB42
4	1990 Extra Long Staple (ELS) Cotton Program	0560-AB43
5	1990 Rice Program	0560-AB45
6	1989 Soybean Program	0560-AB48
7	1989-Crop Marketing Quotas and Acreage Allotments for Six Kinds of Tobacco	0560-AB51
8	1990-Crop Peanuts National Poundage Quota	0560-AB54
9	1990 Upland Cotton Program	0560-AB55
10	1990 Feed Grain Program	0560-AB56

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
11	1989-Crop Peanuts National Poundage Quota	0560-AB13
12	1989 Extra Long Staple (ELS) Cotton Program	0560-AB25
13	1989 Price Support Levels for Six Kinds of Tobacco	0560-AB32
14	1989-Crop National Average Price Support Level for Quota Peanuts	0560-AB36
15	1989-Crop Honey Price Support Program	0560-AB37
16	Common Program Provisions for the 1990 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB38
17	1989 Rice Program	0560-AB39
18	1990 Wheat Program	0560-AB41
19	Formula for Determination of Adjusted World Price for Upland Cotton	0560-AB57

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Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
20	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
21	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
22	1988-Crop Peanut Price Support Program Differentials	0560-AB08
23	1989 Wheat Program	0560-AB14
24	1989 Feed Grain Program	0560-AB15
25	1989 Upland Cotton Program	0560-AB16
26	Common Program Provisions for the 1989 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB17
27	1988 Soybean Loan Program	0560-AB18
28	1988-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB19
29	1989 Wool and Mohair Program	0560-AB20
30	Dairy Indemnity Payment Program--January 1, 1988 - September 30, 1990	0560-AB30
31	1989-Crop Peanut Price Support Program Differentials	0560-AB31
32	1989-Crop National Average Loan Rate and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB33
33	1989-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB34
34	1989-Crop Flue-cured Tobacco Marketing Quota and Price Support Level	0560-AB35
35	Milk Price Support Level, Calendar Year 1989	0560-AB40
36	1989 CCC Cotton Loan Program Regulations -- Bale Packaging Materials	0560-AB44
37	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 3)	0560-AB46
38	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 1)	0560-AB47
39	1990 Wool and Mohair program	0560-AB49
40	Foreign Persons Ineligible for Tobacco Price Support Program Benefits	0560-AB50
41	1989-90 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB52
42	1989 - Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB53

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
43	National Average Loan Rates for 1987-Crop Quota and Additional Peanuts	0560-AA61
44	1987-Crop Peanuts National Poundage Quota	0560-AA79
45	Common Program Provisions for the 1988 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA89
46	1988 Rice Program	0560-AA90
47	1988 Wheat Program	0560-AA91
48	1988 Feed Grain Program	0560-AA92
49	1988 Upland Cotton Program	0560-AA93
50	1988-Crop Flue-Cured Tobacco Marketing Quotas	0560-AA98
51	1988 Extra Long Staple (ELS) Cotton Program	0560-AA99
52	1988-Crop Honey Price Support Program	0560-AB04
53	1988 Wool and Mohair Program	0560-AB05
54	1988-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB06
55	1988-Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB07
56	1988 Price Support Levels for Six Kinds of Tobacco	0560-AB12
57	1988 CCC Cotton Loan Program Regulations--Bale Packaging Materials	0560-AB21
58	General Regulations Governing Price Support of 1986 and Subsequent Crops of Grain	0560-AB23
59	Waiver of Standards for Approved Warehouses	0560-AB24

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
60	Animal Welfare Regulations; Standards	0579-AA20
61	Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products	0579-AA21

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Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
62	Animal Welfare; Definition of Terms and Regulations	0579-AA18
63	Swine Identification	0579-AA19

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
64	Importation of Fruits and Vegetables Under Assured Certification Agreements	0579-AA17

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
65	Agricultural Research Involving Outdoor Field Testing of Biotechnology - Modified Organisms	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
66	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
67	Security Servicing for Multiple Housing Loans	0575-AA38
68	Management and Collection of Nonprogram (NP) Loans	0575-AA39
69	Complaints and Compensation for Construction Defects	0575-AA41
70	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA42

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
71	Suspension and Debarment Regulations	0575-AA02
72	Property Management	0575-AA03
73	Housing Preservation Grants	0575-AA18
74	Self-Help Technical Assistance Grants	0575-AA34
75	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
76	Rural Housing Program Loans	0575-AA48
77	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA49
78	Real Property Insurance	0575-AA53
79	Security Servicing for Single Family Rural Housing Loans	0575-AA54
80	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA55
81	Rural Rental Housing Loan Policies, Procedures and Authorities -- Letters of Credit	0575-AA57
82	Rural Rental Housing Loan Policies, Procedures and Authorizations -- Congregate Housing and Group Homes	0575-AA58
83	Secondary Market for Farmer Program Loans	0575-AA59
84	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AA60
85	Farm Labor Loan and Grant Policies, Procedures, and Authorization	0575-AA62
86	Rural Rental Housing Loan Policies, Procedures, and Authorizations -- Cooperative Housing Loans	0575-AA63

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Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
87	Management and Supervision of Multiple Family Housing Borrowers	0575-AA20
88	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23
89	Planning and Performing Construction and Other Development	0575-AA36
90	Section 504 Rural Housing Loans and Grants	0575-AA37
91	Analyzing Credit Needs and Graduation of Borrowers	0575-AA40
92	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA50
93	Security Servicing for Multiple Housing Loans	0575-AA51
94	Predetermined Amortization Schedule System (PASS) Account Servicing	0575-AA52
95	Changes to the Farmers Home Administration (FmHA) Farmer Program Loan Making, Supervision and Servicing Regulations to Implement Applicable Provisions of "The Agricultural Credit Act of 1987"	0575-AA56
96	Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received -- Single Family Housing	0575-AA61

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
97	Rural Rental Housing Policies, Procedures and Authorizations	0575-AA28
98	Intermediary Relending Program	0575-AA43
99	Debt Settlement - Community and Business Programs	0575-AA44
100	Supplemental Requirements for Making Section 502 RH Loans for Manufactured Homes	0575-AA46

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
101	Issuance Loss Liability: Food Stamp Program	0584-AA05
102	Food Distribution Program - Part 250	0584-AA07
103	Food Distribution Program on Indian Reservations	0584-AA09
104	Emergency Food Assistance for Victims of Disasters	0584-AA24
105	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
106	Administration/ Management: Food Stamp Program	0584-AA63
107	Employment and Training Requirements Technical Corrections Proposed Rule	0584-AA72
108	Systematic Alien Verification for Entitlements	0584-AA73

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
109	Waiver Simplification: Food Stamp Program	0584-AA02
110	Simplified Application and Standardized Benefits: Food Stamp Program	0584-AA62

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
111	Administrative Regulations	0583-AA02
112	Transportation	0583-AA19
113	Eligibility of Foreign Countries for Importation of Products into the United States	0583-AA55

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Food Safety and Inspection Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
114	Labeling of Frankfurters and Similar Products Containing Binders	0583-AA92

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
115	Various Amendments to Accommodate Inspection of Meat Food Products Under Title IV of the Futures Trading Act of 1986	0583-AA26
116	Requirements for Partially Defatted Products	0583-AA27
117	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
118	Verified Production Control Program	0583-AA29
119	Determination of Added Water in Cooked Sausages	0583-AA30
120	Sulfonamides in Swine	0583-AA31
121	Cattle Post-Mortem Inspection Procedures and Staffing Procedures	0583-AA32
122	Use of Lactic Acid and Acetic Acid as Anti-Microbial Agents on Meat and Poultry Carcasses	0583-AA43
123	Trichina Control Requirements for Dry-Cured Ham	0583-AA49
124	Use and Protection of Approved Water Systems	0583-AA54
125	Sulfonamide and Antibiotic Residues in Young Veal Calves; Certification Requirements	0583-AA58
126	Certain Products with Meat Ingredients -- Exemptions From Definition of a "Meat Food Product"	0583-AA62
127	Use of Certain Binders in Meat and Poultry Products and Transfer of Binders in Text to the Tables of Approved Substances	0583-AA64
128	Immersion Cured and Dry Cured Bacon	0583-AA65
129	Control of Added Substances and Labeling Requirements for Turkey Ham Products	0583-AA66
130	Additional Trichina Detection Methods	0583-AA67
131	Net Weight	0583-AA69
132	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances	0583-AA71
133	Processing Inspection Under Discretionary Authority	0583-AA72
134	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products	0583-AA75
135	Requirements for the Production of Fermented Sausage	0583-AA77
136	Processing Procedures and Labeling	0583-AA81
137	Turkey-Bacon Products	0583-AA82
138	Sodium/Potassium Lactate as Antimicrobial Agents in Specific Meat and Poultry Products	0583-AA83
139	PFF for Turkey Ham	0583-AA84
140	Import of Livestock Carcasses with Tissues Removed	0583-AA85
141	Lactic Acid Starters	0583-AA86
142	Automatic Expiration System for Approved Labels	0583-AA87
143	Substances Approved for Use in Meat Products -- Revision of Listings	0583-AA93

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
144	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid, and Calcium Lactate	0583-AA34
145	Streamlined Inspection System for Broilers and Cornish Game Hens	0583-AA38
146	Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Ascorbate, and Sodium Citrate in Fresh Pork Cuts	0583-AA40
147	Ingredients that may be Identified as Flavors or Natural Flavors when used in Meat and Poultry Products	0583-AA44
148	Safety and Sanitation Requirements for Electrical Stimulating Equipment	0583-AA45
149	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
150	Use of Air for Carcass Hide Removal	0583-AA48
151	Movement of Imported Product Prior to Reinspection	0583-AA53
152	Voluntary Inspection of Exotic Animals	0583-AA60
153	Sulfonamide and Antibiotic Residues in Young Veal Calves; Reduced Testing	0583-AA68
154	Use of Binding Mixture in Various Poultry Products	0583-AA73
155	Disposition of Livestock Thyroid Glands and Larynxes	0583-AA74
156	Increase in Use Levels of Sodium Citrate as an Anticoagulant	0583-AA76
157	Use of Various Binders in Cured Pork Products	0583-AA78
158	Use of Sorbitol as a Flavoring Agent in Specific Meat Products	0583-AA79

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Food Safety and Inspection Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
159	Restoration of Mexico to List of Countries Eligible to Import to U.S	0583-AA80
160	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products	0583-AA88
161	Use of Tocopherols, Ascorbyl Palmitate and Citric Acid as Antioxidants in Additional Products	0583-AA89
162	Importation of Meat and Poultry Products; Refused Entry Product	0583-AA90
163	Definition of Terms -- "Importation" and "Entry"	0583-AA91

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
164	Standard for Frankfurters and Similar Cooked Sausages	0583-AA21
165	Swine Identification at Official Slaughtering Establishments	0583-AA25
166	Disposal of Livestock Carcasses and Parts Condemned for Biological Residues	0583-AA33
167	Elimination of Sealing Requirement for Rendered Edible Animal Fat	0583-AA36
168	Random Weight Packages; Statement of Net Weight Decimal Places	0583-AA37
169	Determination of "Added Water" in Cooked Sausages	0583-AA41
170	Use and Labeling of Blood Components as Ingredients in Meat Food Products	0583-AA42
171	Glucono Delta Lactone as an Acidifier in Meat and Poultry Products	0583-AA46
172	Antioxidants in Fabricated Steaks	0583-AA50
173	Notice of Proceedings	0583-AA51
174	Requirements for Imported Poultry Products	0583-AA52
175	Requirements for Foreign Country Certification and Live Animal Importation	0583-AA59
176	Implementation of Pork Irradiation	0583-AA61
177	Total Quality Control for Labeling	0583-AA63
178	Additional Trichina Detection Methods	0583-AA70

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
179	Determination of the Market Stabilization Price for Sugar for FY 1989	0551-AA20
180	Determination of Import Quotas on Sugar for Fiscal Year 1989	0551-AA21
181	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
182	Part 219 Planning	0596-AA50
183	Official Forest Service Insignia	0596-AA59
184	36 CFR 271 - Use of "Smokey Bear" Symbol	0596-AA66
185	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
186	Use of "Woodsy Owl" Symbol	0596-AA76
187	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management and Federal Refuge Regulations	0596-AA81
188	Isolated Cabin Authorizations	0596-AA85
189	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart A - General Provisions	0596-AA89
190	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart B - Timber Sale Contracts	0596-AA90
191	Special Areas	0596-AA91

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Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
192	Suspension and Debarment of Timber Purchasers, 36 CFR 233, Subpart C	0596-AA09
193	Land Status and Title Records	0596-AA24
194	Access to Non-Federal Lands	0596-AA31
195	Down Payments/Periodic Payments on National Forests Timber Sales	0596-AA33
196	Grazing and Livestock Use and Management of Wild, Free-Roaming Horses and Burros	0596-AA35
197	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
198	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
199	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
200	Conservation of Fish, Wildlife, and their Habitats on the Copper River Addition and Copper River-Bering River Portion, Chugach National Forest, Alaska	0596-AA41
201	Land Exchanges	0596-AA42
202	Revision of Timber Sale Contract Forms FS-2400-6 and FS-2400-6T	0596-AA45
203	Leasable Mineral Regulations	0596-AA46
204	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
205	Locatable Minerals	0596-AA49
206	Grazing Fees; Eastern and Southern Regions	0596-AA55
207	Ski Area Term Permits	0596-AA57
208	36 CFR Law Enforcement Support Activities	0596-AA65
209	Increase in Minimum Rates Charged for Timber	0596-AA73
210	Sale of Timber Where Total Public Benefits May not Meet or May Exceed Total Costs	0596-AA74
211	36 CFR 261 Prohibitions	0596-AA75
212	Revise Small Tracts Act Regulations	0596-AA79
213	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251, Subpart B to Remove Ambiguities Regarding First Amendment Rights	0596-AA80
214	Oil and Gas Resources Regulations	0596-AA82
215	Modification of Timber Sale Downpayment Requirements	0596-AA83
216	Timber Sale Financial Security	0596-AA87
217	Hell's Canyon National Recreation Area - Private Lands	0596-AA88
218	Proposed Solid Waste Disposal Policy	0596-AA92
219	Irrevocable Letter of Credit	0596-AA93
220	Surety Bond Form Revision	0596-AA94
221	Settlement of Defaulted Timber Sale Contracts	0596-AA96

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
222	Small Business Timber Sale Set Aside Program	0596-AA43
223	Definition of Common Variety Mineral Materials	0596-AA44
224	Appeal of Decisions of Forest Officers	0596-AA51
225	Indian Allotments on National Forest System Lands	0596-AA52
226	Prohibitions; Fossil Collecting	0596-AA56
227	Noncompetitive Disposal of Mineral Materials	0596-AA60
228	Surety Revocation Procedures	0596-AA95
229	Deferral of Payments on High-Priced Timber Sales	0596-AA97
230	Market-Related Contract Term Additions	0596-AA98

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
231	Entrance into Petersburg Watershed	0596-AA23
232	Use Restrictions of National Forest Lands for the Protection of Municipal Water Supplies	0596-AA34
233	Control of Skewed Bidding on National Forest Timber Sales	0596-AA37
234	36 CFR 262 Law Enforcement Support Activities	0596-AA65
235	Free Use to Alaskan Settlers, Miners, Residents and Prospectors	0596-AA69

USDA

Forest Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
236	Increased Downpayments From Timber Sale Purchasers with a History of Defaults; and Determination of Purchaser Responsibility	0596-AA70
237	Revise 36 CFR 223.178 Regarding Release of Claims Against the Government on Sales Offered for Government Buyout	0596-AA71
238	Review of Decisions to Terminate Recreation Residence Permits	0596-AA72
239	36 CFR 261 Prohibitions	0596-AA75
240	Administration of Easements for Water Conveyance Systems	0596-AA78
241	Appeal of Decisions to Reoffer Returned or Defaulted Timber Sales on National Forests	0596-AA84
242	Lumber Price Index Trends	0596-AA86

Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
243	Annual Reports	0590-AA04

Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
244	Scales; Accurate Weights, Repairs, Adjustments or Replacements after Inspection	0590-AA05

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
245	Snow Surveys and Water Supply Forecasts	0578-AA01
246	Relocation Assistance	0578-AA12

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
247	Soil Surveys	0578-AA00
248	Farmland Protection Policy Act	0578-AA14

Soil Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
249	Prime and Unique Farmlands	0578-AA10
250	Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-Assisted Programs	0578-AA13

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act; 7 USC 511-511q; Tobacco Inspection Act; 7 USC 499a-499s; Perishable Agricultural Commodities Act

CFR Citation: 7 CFR 27 to 209

Legal Deadline: None

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Wyatt, Regulatory Review Officer, Department of Agriculture, Agricultural Marketing Service, Room 3516-S, Washington, DC 20250, 202 447-3785

RIN: 0581–AA19

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Agricultural Stabilization and Conservation Service (ASCS)

2. CCC COTTON LOAN PROGRAM REGULATIONS--SETTLEMENT, FRAUD, AND CONVERSION PROVISIONS

Legal Authority: 15 USC 714b to c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: This action will update regulations to (1) clarify settlement provisions and (2) incorporate fraud or conversion language in order to make the regulations for cotton consistent with those for grain. No cost to Government is expected. (ASCS 87-015)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB22

3. BURLEY TOBACCO PRICE SUPPORT RESTRICTIONS FOR NONBALED TOBACCO AND NONSTANDARD CONTAINERS

Legal Authority: 7 USC 1445; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1464

Legal Deadline: None

Abstract: This action would encourage the marketing of burley tobacco in baled form by providing a reduced price support level of 5 to 15 cents per pound for nonbaled tobacco effective for the 1988 crop. Approximately 85 percent of all burley tobacco sold at auction is in baled form. The industry preference for baled tobacco could result in all nonbaled tobacco being placed under loan.

This action would also require that effective for the 1989 crop, all loan tobacco be delivered on a standard container (slip sheet), in order to establish a uniform tare for all lots of tobacco and eliminate errors resulting from the separate weighing of nonstandard containers (pallets).

No cost to Government is expected. Cost to producers would be equal to the reduction in price support for nonbaled tobacco. Cost to warehousemen due to a shift to standard containers would be minimal.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB42

4. ● 1990 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Agricultural Act of 1949, as amended, Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Final, Statutory, December 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements. Primary determinations to be made are (1) loan rate--not less than 85% of average market price over previous 5 years excluding the high and low prices, (2) target price--120% of the loan level, and (3) acreage reduction--to be set at such a level as to assure that total supplies will not be excessive. Decisions also to be made on whether or not to implement paid land diversion or advance deficiency payments. The cost to USDA will likely range from $0 to $1.0 million.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

USDA—ASCS **Prerule Stage**

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB43

5. ● 1990 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended, Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719 to 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1990.

Abstract: To assure sufficient supplies of rice for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--85 percent of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5 percent from previous year's level nor be lower than $6.50/cwt., (2) target price--no lower than $10.71/cwt., (3) acreage limitation--no more than 35 percent, with a target carryover level of 40 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to USDA is $1.1 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB45

6. ● 1989 SOYBEAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.365 to 1421.374

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: To assure sufficient supplies of soybeans for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. Determinations to be made are (1) loan and purchase rates--with a probable range of $4.50-$4.53/bu., and (2) whether to implement a marketing loan program. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB48

7. ● 1989-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR SIX KINDS OF TOBACCO

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Adjustment Act of 1938, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1989.

Abstract: Marketing quotas and acreage allotments are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. A net receipt of $14 million is expected.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB51

8. ● 1990-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: The objective of this action is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB54

9. ● 1990 UPLAND COTTON PROGRAM

Significance: Regulatory Program

USDA—ASCS **Prerule Stage**

Legal Authority: 7 USC 1444-1; The Agricultural Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs and comply with statutory requirements. Determinations to be made are (1) loan rate--not less than 50.00 cents/lb., (2) target price--not less than 72.90 cents/lb., (3) loan repayment rate--if world price is below loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A(a(5))), (4) acreage reduction--no greater than 25%, and (5) other provisions: whether or not to implement voluntary paid land diversion, half-compliance program, advance deficiency or diversion payments and PIK payments. The cost to USDA will likely range from $1.0 to $3.0 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB55

10. ● 1990 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444e; 7 USC 1421; The Agricultural Act of 1949, as amended, Sec 105c and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794; 7 CFR 795; 7 CFR 796; 7 CFR 1421.734

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--probable range of $1.57-$1.96/bu. for corn, with rates for other feed grains set in relation to that for corn, (2) target prices--not less than $2.75/bu. for corn, with rates for other feed grains set in relation to that for corn, and (3) acreage adjustment--not less than 12.5% nor more than 20%, if corn carryin is projected to exceed 2 billion bu. Decisions also to be made on whether to implement (1) a paid land diversion, (2) a marketing loan, (3) a half-compliance program, (4) incentives for farmers to participate in the FOR, and (5) price support for corn silage. The cost to USDA will likely range from $6.0-$8.0 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB56

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

11. 1989-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Act of 1938, as amended, Sec 358

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1988.
(For announcement of national poundage quota only)

Abstract: To balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income.

This action is required by legislation, which provides a formula for computing the national poundage quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The expected cost is $1 million. (ASCS 87-020)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB13

12. 1989 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); The Agricultural Adjustment Act of 1949, as amended, Sec 103h

CFR Citation: 7 CFR 1427

Legal Deadline: Final, Statutory, December 1, 1988.
(12/1/88 for announcement of loan rate only)

Abstract: To assure sufficient supplies of ELS cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements.

Determinations are to be made on (1) the loan rate -- not less than 85% of the average market price over the previous

5 years, excluding the highest and lowest years, (2) the target price -- 120% of the loan level, (3) acreage limitation -- to be set at such level as to assure that total supplies will not be excessive, (4) the national program acreage -- not less than 60 thousand acres, (5) other provisions -- whether or not to make land diversion payments, and the loan level for seed cotton. The expected cost is $0.5 - $1.0 million. (ASCS 87-018)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB25

13. 1989 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: None

Abstract: To stabilize tobacco prices and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower price support at the request of producer associations. Increases may be limited to 65% of the increase otherwise established. A net receipt of $9 million is expected.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
Final Action	09/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB32

14. 1989-CROP NATIONAL AVERAGE PRICE SUPPORT LEVEL FOR QUOTA PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; Agricultural Act of 1949, Sec 108B

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1989.

Abstract: This action is required by legislation, which provides a formula for computing the quota support level. The objective is to support farm income and stabilize prices.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
Final Action	02/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB36

15. 1989-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: Legislation requires that 1989-crop honey be supported at 95 percent of the 1988 level, or $0.5636 per pound. It also provides the Secretary the discretion to allow loan repayment at a lower rate. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of honey in domestic and export markets. Alternatives to be considered are: the type of support to offer, whether loans, purchases, or loans and purchases, and whether to implement the lower repayment provision. Government costs under the lower repayment provision would be expected to be under $60 million.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB37

16. COMMON PROGRAM PROVISIONS FOR THE 1990 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: 7 USC 1421 et seq; The Agricultural Act of 1949, as amended, Sec 107d

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: None

Abstract: To make and implement determinations that are common to each of the 1989 Wheat, Feed Grain, Cotton and Rice Programs. Determinations are to be made on (1) production of approved non-program crops on underplanted program crop permitted acreage, (2) production of alternative crops on reduced acreage, (3) haying and grazing of underplanted program crop permitted acreage and ACR conservation use acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity acreage bases, (8) consideration of actual 1990-crop yields in establishing a subsequent year's program payment yield, (9) advance deficiency and diversion payments, (10) interest certificate payments, (11) provisions for commodity payment certificates, and (12) the enrollment period.

USDA—ASCS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	
NPRM Comment Period End	05/08/89	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB38

17. 1989 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; Agricultural Act of 1949, Sec 101, as amended

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1989.
(For announcing loan, target, and acreage limitation levels.)

Abstract: To provide an adequate supply of rice for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve resources, and comply with statutory requirements.

Primary determinations to be made are (1) loan and purchase rates -- 85% of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5% from the previous year's level nor be lower than $6.50/cwt., (2) target price -- no lower than $10.80 cwt., (3) acreage limitation -- no more than 35%, with a target carryover level of 30 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under the marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to Government is $600 million.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB39

18. 1990 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445b-3; 7 USC 1710; The Agricultural Adjustment Act of 1949, Sec 107D and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Legal Deadline: Final, Statutory, June 1, 1989.
(For announcement of acreage adjustment levels)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

Primary determinations to be made are (1) loan and purchase rate -- minimum probable range of $1.95 to $2.44 per bushel, (2) target price -- at least $4.00 per bushel, and (3) acreage adjustment -- not less than 20% nor more than 30%, if carryin exceeds 1 billion bushels; no more than 20% if carryin is below 1 billion bushels. Decisions also to be made on whether to implement (1) a marketing loan program and related programs, (2) a paid land diversion, (3) advance deficiency/diversion payments, (4) generic certificate program, and (5) incentives for farmers to participate in the FOR. The expected cost is $2.0-$4.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	
NPRM Comment Period End	05/08/89	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB41

19. ● FORMULA FOR DETERMINATION OF ADJUSTED WORLD PRICE FOR UPLAND COTTON

Significance: Agency Priority

Legal Authority: 7 USC 1444-1; The Agricultural Act of 1949, as amended, Sec 103A(a)(5)(3)

CFR Citation: 7 CFR 26

Legal Deadline: None

Abstract: This action would clarify (1) the procedure for selecting the Europe price quotations used to calculate the Northern Europe price and the Northern Europe coarse count price during the period (approximately April through July) in which both current crop and forward crop quotations are available, and (2) which quotations for Memphis territory and California/Arizona territory, c.i.f. Northern Europe, would be used to calculate the adjustment in the Northern Europe price to designated spot market locations when both current and forward quotes are available. No cost to Government, industry, or consumers is expected.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	
Final Action	02/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB57

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

20. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AA38

21. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Final, Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AA74

22. 1988-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB08

23. 1989 WHEAT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1445b-3; 7 USC 1710; The Agricultural Adjustment Act of 1949, Sec 107D and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Legal Deadline: Final, Statutory, June 1, 1988.
(For announcement of acreage adjustment levels)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

Determinations are to be made on (1) loan and purchase rate--minimum probable range of $2.06 to $2.57 per bushel, (2) target price--at least $4.16 per bushel, and (3) acreage adjustment--not less than 20% nor more than 30%, if carryin exceeds 1 billion bushels; no more than 20% if carryin is below 1 billion bushels. Decisions also to be made on whether to implement (1) a marketing loan program and related programs, (2) a paid land diversion, and (3) incentives for farmers to participate in the FOR. The expected cost is $2.0-$5.0 billion. (ASCS 87-021)

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12890
Announcement	05/25/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB14

24. 1989 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444e; 7 USC 1421; The Agricultural Act of 1949, as amended, Sec 105c; 7 USC 1710; The Agricultural Adjustment Act of 1949, as amended, Sec 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718 to 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Legal Deadline: Final, Statutory, September 30, 1988.
(For announcement of acreage adjustment levels)

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

USDA—ASCS **Final Rule Stage**

Primary determinations to be made are (1) loan and purchase rates--probable range of $1.65 - $2.06/bu. for corn, with rates for other feed grains set in relation to that for corn, (2) target prices--not less than $2.88 per bushel for corn, with rates for other feed grains set in relation to that for corn, and (3) acreage adjustment--not less than 12.5% nor more than 20%, if corn carryin exceeds 2 billion bushels; no more than 12.5% if corn carryin is less than 2 billion bushels. Decisions also to be made on whether to implement (1) a paid land diversion, (2) a marketing loan, (3) a half-compliance program, (4) incentives for farmers to participate in the FOR, and (5) price support for corn silage. The expected cost is $8.0 to $12.0 billion. (ASCS 87-022)

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29503

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB15

25. 1989 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; The Agricultural Adjustment Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Final, Statutory, November 1, 1988.
(For announcement of loan rate, acreage adjustment level, and national program acreage)

Abstract: To assure sufficient supplies of upland cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements.

Determinations must be made on (1) the loan rate--not less than 50.00 cents/lb, (2) the target price--not less than 74.5 cents/lb, (3) the loan repayment rate--if the world price is below the loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A (a(5))), (4) acreage limitation--no greater than 25%, (5) the national program acreage--not less than 10 million acres, (6) other provisions: whether or not to implement voluntary paid land diversion, loan deficiency payment, inventory reduction, or seed cotton loan programs. The expected cost is $250-$500 million. (ASCS 87-023)

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 26619
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB16

26. COMMON PROGRAM PROVISIONS FOR THE 1989 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: 7 USC 1421 et seq; The Agricultural Act of 1949, as amended, Sec 107d

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: None

Abstract: To make and implement determinations that are common to each of the 1989 Wheat, Feed Grain, Cotton and Rice Programs. Determinations are to be made on (1) production of approved non-program crops on underplanted program crop permitted acreage (50/92 provision), (2) production of alternative crops on reduced acreage, (3) haying and grazing of 50/92 and ACR conservation use acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity acreage bases, (8) consideration of actual 1989-crop yields in establishing a subsequent year's program payment yield, (9) advance deficiency and diversion payments, (10) interest certificate payments, and (11) provisions for commodity payment certificates. (ASCS 87-024)

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12890

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB17

27. 1988 SOYBEAN LOAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421

Legal Deadline: Final, Statutory, October 1, 1988.
(For announcement of loan rate)

Abstract: To assure sufficient supplies for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements.

Determinations are to be made on the loan and purchase rate, with a probable range of $4.53 to $4.77/bu., and on whether to implement a marketing loan program. The expected cost is $0.1 - $0.6 billion. (ASCS 87-025)

Timetable:

Action	Date	FR Cite
Announcement	08/12/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB18

28. 1988-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Adjustment Act of 1949, as amended, Sec 201; and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: To set forth (1) loan rates applicable to 1988-crop sugar beets and sugarcane, and (2) the 1988-crop minimum price support levels processors are required to pay their growers. The minimum national average loan rate is set by statute at $0.18/lb. for sugarcane, with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion. (ASCS 87-026)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB19

29. 1989 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 703

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. The support price for mohair must be set at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The expected cost is $100 to $200 million. (ASCS 87-027)

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB20

30. DAIRY INDEMNITY PAYMENT PROGRAM--JANUARY 1, 1988 - SEPTEMBER 30, 1990

Legal Authority: PL 90-484, Sec 1 to 3, as amended; PL 91-524, Sec 204, as amended; PL 93-86, Sec 5; PL 95-113, Sec 205; 7 USC 450 j, k, and l

CFR Citation: 7 CFR 760.1 to 760.34

Legal Deadline: None

Abstract: This action will extend the program through September 30, 1990. The purpose of the program is to indemnify dairy farmers for milk dumped because of contamination that is not the fault of the producer and dairy manufacturers for dairy products removed from the market through no fault of the manufacturers. The alternative is to discontinue the program. The cost to the Government for FY 1988 through FY 1990 is estimated to be about $500,000.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB30

31. 1989-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite
Final Action	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB31

32. 1989-CROP NATIONAL AVERAGE LOAN RATE AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445C-2; Agricultural Act of 1949, Sec 108B

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1989.

Abstract: This action is required by legislation, which provides guidelines for the establishment of the additional support level. The objective is to support farm income and stabilize prices.

USDA—ASCS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	02/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB33

33. 1989-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312 to 313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Final, Statutory, February 1, 1989.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. Quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. Price support is based on a formula that is 2/3 weight average market prices and 1/3 weight cost index, plus discretion to limit any increase to 65 percent. A net receipt of $131 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	02/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB34

34. 1989-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1311 to 1313; Agricultural Adjustment Act of 1938, Sec 311 to 313, as amended; 7 USC 1445; Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1988.
(For announcement of price support level)

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. The quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that is 2/3 weight average market prices and 1/3 weight cost index, with discretion to limit any increase to 65 percent. A net receipt of $153 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB35

35. MILK PRICE SUPPORT LEVEL, CALENDAR YEAR 1989

Significance: Regulatory Program

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec 201(d)(1)(E)

CFR Citation: 7 CFR 1430

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Legislation requires that if estimated price support purchases for 1989 exceed 5 billion pounds (milk equivalent, fat basis), the Secretary shall reduce the support price by $0.50 per hundredweight (cwt), and if estimated purchases do not exceed 2.5 billion pounds, shall increase the support price by $0.50/cwt. The cost to Government is expected to be approximately $1 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB40

36. ● 1989 CCC COTTON LOAN PROGRAM REGULATIONS – BALE PACKAGING MATERIALS

Legal Authority: 15 USC 714b and 714c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: To incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1989 that were approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, 3726-S, P.O Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB44

USDA—ASCS

Final Rule Stage

37. ● PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 3)

Legal Authority: 7 USC 714b and 714c; 7 USC 1441; 7 USC 1421 et seq; 7 USC 1359; 7 USC 1375

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action would amend the regulations to (1) incorporate the Peanut Administrative Committee's changes in definition of Segregation 1 and 2 peanuts with regard to loose-shelled kernels in excess of 14.49 percent, and the change in moisture limit to 10.49 percent, (2) change the priority for making marketing pool distributions so that pool offsets are made in the same priority within each area and cross-area when needed, (3) change the date for submitting letters of credit to 10 days following the final date for submitting contracts, and adding peanuts for processing to the amount of peanuts for which a letter of credit is due, and (4) change shrink allowance to 2 percent. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/19/88	
Final Action	11/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB46

38. ● PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 1)

Legal Authority: 15 USC 714b and 714c; 7 USC 1441 et seq; 7 USC 1359; 7 USC 1375

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action would amend the regulations to allow export credits for crushing sound mature kernels (SMK) and sound split (SS) kernels. This action is needed because current regulations do not provide non-physically supervised handlers and alternative market for SMK and SS kernels other than the export market. An alternative market is needed when the export market is lost or when the peanuts become ineligible for export due to aflatoxin contamination.

Alternatives considered are: (1) Permit a one-time switch to physically supervised crushing of SMK and SS peanuts, regardless of quality, (2) permit prorated credit (based on ratio of contract additional peanuts purchased to total peanuts purchased) for peanuts crushed due to aflatoxin contamination, (3) permit a one-time switch to physically supervised crushing of peanuts that meet edible export standards. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB47

39. ● 1990 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 201

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will ensure a viable domestic wool industry in the future, by supporting the price of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. Determination is to be made on the support level for mohair, which may not be more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB49

40. ● FOREIGN PERSONS INELIGIBLE FOR TOBACCO PRICE SUPPORT PROGRAM BENEFITS

Legal Authority: 7 USC 1308 et seq; The Food Security Act of 1985, as amended, Sec 1001c

CFR Citation: 7 CFR 1464.7

Legal Deadline: None

Abstract: This action would amend the Tobacco Loan Program regulations to make them compatible with 7 CFR 1498, providing that foreign persons be ineligible for program benefits, as provided by legislation. This action will be effective for the 1989 and 1990 crops. No alternatives are considered and no cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB50

USDA—ASCS **Final Rule Stage**

41. ● 1989-90 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec 314

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rates for all kinds of tobacco for the 1989-90 marketing year. Legislation provides that the penalty shall be 75 percent of the previous year's average market price. Tobacco producers, warehousemen, and dealers need to be advised of the penalty rates prior to the beginning of the marketing year.

Timetable:

Action	Date	FR Cite
Final Action	06/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB52

42. ● 1989 - CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Act of 1949, as amended, Secs 201 and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: To set forth (1) loan rates applicable to 1989-crop sugar beets and sugarcane, and (2) the 1989-crop minimum price support levels processors are required to pay their growers. The minimum national average loan rate is set by statute at $0.18/lb. for sugarcane with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB53

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

43. NATIONAL AVERAGE LOAN RATES FOR 1987-CROP QUOTA AND ADDITIONAL PEANUTS

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	02/19/88	53 FR 5023

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA61

44. 1987-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	02/19/88	53 FR 5023

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA79

45. COMMON PROGRAM PROVISIONS FOR THE 1988 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA89

46. 1988 RICE PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA90

47. 1988 WHEAT PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.460 to 1421.471; 7 CFR 1421.700 to 1421.714

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA91

USDA—ASCS **Completed Actions**

48. 1988 FEED GRAIN PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.90 to 1421.100; 7 CFR 1421.720 to 1421.734

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA92

49. 1988 UPLAND COTTON PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA93

50. 1988-CROP FLUE-CURED TOBACCO MARKETING QUOTAS

Significance: Agency Priority

CFR Citation: 7 CFR 725

Completed:

Reason	Date	FR Cite
Final Action	05/05/88	53 FR 16175

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA98

51. 1988 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17482

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AA99

52. 1988-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Completed:

Reason	Date	FR Cite
Final Action	06/01/88	53 FR 19974

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB04

53. 1988 WOOL AND MOHAIR PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1468; 7 CFR 1472

Completed:

Reason	Date	FR Cite
Final Action	07/27/88	53 FR 28241

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB05

54. 1988-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: 7 CFR 724

Completed:

Reason	Date	FR Cite
Final Action	05/20/88	53 FR 18113
Final Action Effective	02/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB06

55. 1988-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Significance: Agency Priority

CFR Citation: 7 CFR 724

Completed:

Reason	Date	FR Cite
Final Action	05/20/88	53 FR 18109

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB07

56. 1988 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	05/12/88	53 FR 16888

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB12

57. 1988 CCC COTTON LOAN PROGRAM REGULATIONS--BALE PACKAGING MATERIALS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	07/15/88	53 FR 26761

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB21

58. GENERAL REGULATIONS GOVERNING PRICE SUPPORT OF 1986 AND SUBSEQUENT CROPS OF GRAIN

CFR Citation: 7 CFR 1421

USDA—ASCS **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	03/01/88	53 FR 6131

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB23

59. WAIVER OF STANDARDS FOR APPROVED WAREHOUSES

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	03/17/88	53 FR 8745
Final Action Effective	04/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB24

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

60. ANIMAL WELFARE REGULATIONS; STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 2142; 7 USC 2143

CFR Citation: 9 CFR 3.1 to 3.17, (Revision); 9 CFR 3.25 to 3.41, (Revision); 9 CFR 3.75 to 3.91, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131 et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. APHIS is proposing to amend, revise, and expand the "Standards" relating to dogs and cats, guinea pigs and hamsters, and nonhuman primates, and will include provisions for exercise of dogs and for promoting the psychological well-being of primates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. R. L. Crawford, Senior Staff Veterinarian, Animal Care Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 756, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7833**

RIN: 0579–AA20

61. ● IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 150dd to 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles. These revisions will allow the importation of certain living plants and related articles under appropriate regulatory controls, and will prohibit the importation of other living plants and related articles.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Public Hearing	01/00/89	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Port Operations Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 637, 6505 Belcrest Road, Hyattsville, Maryland 20782, **301 436-8248**

RIN: 0579–AA21

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

62. ANIMAL WELFARE; DEFINITION OF TERMS AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 7 USC 2133; 7 USC 2135; 7 USC 2136; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2146; 7 USC 2147; 7 USC 2151

CFR Citation: 9 CFR 1, (Revision); 9 CFR 2, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131, et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by

USDA—APHIS **Final Rule Stage**

dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. The Agency has proposed definitions to provide proper guidance to the public, licensees, and registrants in their responsibilities under the Act. The Agency has also proposed to amend, revise, and expand the "Regulations" contained in 9 CFR 2.1 through 2.132, pertaining to licensing and registration of facilities, recordkeeping and identification of animal holding periods and facilities, inspections, Institutional Animal Care and Use Committees, adequate veterinary care, and other areas relating to humane animal care matters.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	52 FR 10298
Notice of Extension of Comment Period	05/22/87	52 FR 19359
Extension and Reopening of Comment Period	08/12/87	52 FR 29865
NPRM Comment Period End	08/27/87	52 FR 29865
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dr. R. L. Crawford, Senior Staff Veterinarian, Animal Care Staff, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 756, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7833**

RIN: 0579–AA18

63. SWINE IDENTIFICATION

Significance: Regulatory Program

Legal Authority: 21 USC 111 to 113; 21 USC 601 et seq; 21 USC 114a; 21 USC 1149-1; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 71; 9 CFR 78; 9 CFR 85; 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None

Abstract: Swine in interstate commerce may be adulterated with drug and other chemical residue levels higher than the allowed tolerance and may be spreading diseases. The Department is proposing to require that all swine in interstate commerce be individually identified and records of identification be maintained. Mandatory identification of swine in interstate commerce would allow APHIS to more easily locate sources of infection in order to eradicate and contain disease and would allow the Food Safety Inspection Service (FSIS) to more easily determine the source of adulterated meat and prevent its consumption.

Timetable:

Action	Date	FR Cite
NPRM	02/03/88	53 FR 3146
NPRM Comment Period End	04/04/88	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Steven B. Farbman, Assistant Director, Regulatory Coordination, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-5533**

RIN: 0579–AA19

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS) **Completed Actions**

64. IMPORTATION OF FRUITS AND VEGETABLES UNDER ASSURED CERTIFICATION AGREEMENTS

Significance: Regulatory Program

CFR Citation: 7 CFR 319.56

Completed:

Reason	Date	FR Cite
Withdrawn	06/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper 301 436-8248

RIN: 0579–AA17

DEPARTMENT OF AGRICULTURE (USDA)

Cooperative State Research Service (CSRS) **Proposed Rule Stage**

65. AGRICULTURAL RESEARCH INVOLVING OUTDOOR FIELD TESTING OF BIOTECHNOLOGY - MODIFIED ORGANISMS

Significance: Regulatory Program

Legal Authority: PL 99-198 Food Security Act of 1985; 7 USC 450(h); 7 USC 3121(12); National Agr. Research Ext. and Teaching Policy Act of 1977; Sec 1405(12) as amended

CFR Citation: 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12)

Legal Deadline: None

Abstract: USDA/CSRS plans to publish advisory guidance for the safe performance of USDA-funded research involving outdoor field testing of biotechnology modified organisms.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL ABSTRACT: The research guidance will be published as a notice in the Federal Register rather than as a proposed rule. The notice will contain research guidance consisting of general guideline

principles and a handbook of recommended procedures for field testing biotechnology-modified organisms.

USDA plans to promote adherence to the biotechnology research guidelines and handbook by requesting researchers to agree to adhere to the guidelines and handbook as a condition for accepting USDA research funds. This will be implemented by amending the USDA regulations on general provisions for grants and cooperative agreements (7 CFR 3015.205), competitive research grants (7 CFR 3200.4) and special research grants (7 CFR 3400.4) as needed. The timetable for amending these regulations has not yet been set.

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 310-C, Aerospace Building, 901 D St, SW, Washington, DC 20250, 202 475-4964

RIN: 0524–AA00

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Farmers Home Administration (FmHA)

66. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 Congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/88	
ANPRM Comment Period End	01/01/89	
Final Action	05/01/89	
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA29

67. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1965

Legal Deadline: None

Abstract: This regulation is being revised to provide clarification on the processing differences between membership changes and transfers, to broaden the ability to consolidate and reamortize loans, to clarify actions to be taken during a bankruptcy, and to clarify and discuss the classification of problem loans and their resolution, along with other minor revisions. These revisions are needed so as to provide more complete guidance to field staff and borrowers on the topics discussed above. Potential costs consist of administrative time involved with Agency personnel drafting and completing regulation. No alternatives were identified as being appropriate to address the several problems being corrected with this regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/88	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA38

68. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1951, Subpart J

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/88	
ANPRM Comment Period End	01/01/89	
Final Action	04/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA39

69. COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None

Abstract: Provide for handling construction defects on manufactured homes.

USDA—FmHA **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	01/30/89	
ANPRM Comment Period End	03/30/89	
Final Action	06/30/89	
Final Action Effective	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA41

70. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951-G

Legal Deadline: None

Abstract: Provide for change in definition of delinquent account and certain other changes.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/88	
ANPRM Comment Period End	01/30/89	
Final Action	04/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA42

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA) **Proposed Rule Stage**

71. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(k)

CFR Citation: 7 CFR 1924, Subpart E

Legal Deadline: None

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other Federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Agency action deferred until we review the USDA draft of the new regulation which could well become FmHA's as OMB would like to see a common regulation for all agencies.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA02

72. ● PROPERTY MANAGEMENT

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1955

Legal Deadline: None

Abstract: Division of existing 7 CFR Part 1955 Subparts A, B, and C by major program area. Alternative would be to not divide regulation. Costs to divide would be minimal and would provide major program areas with the ability to revise and/or amend the regulations with reduced clearances and will provide field personnel with clearer and simpler regulations to follow and implement.

Timetable:

Action	Date	FR Cite
NPRM	01/15/89	
NPRM Comment Period End	03/15/89	
Final Action	10/15/89	
Final Action Effective	11/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA03

73. ● HOUSING PRESERVATION GRANTS

Legal Authority: 42 USC 1490 (m)

CFR Citation: 7 CFR 1944, Subpart N; 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	01/01/89	
Final Action	07/01/89	
Final Action Effective	08/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of

USDA—FmHA **Proposed Rule Stage**

Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA18

74. SELF-HELP TECHNICAL ASSISTANCE GRANTS

Legal Authority: 7 USC 1989; 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1933-I

Legal Deadline: None

Abstract: Complete revision to improve grantee's accounting responsibilities. No costs associated with action. Benefits reduce possibility of program fraud and abuse. Increase borrower's labor contribution.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA34

75. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-A

Legal Deadline: None

Abstract: Application processing priority system. No costs associated with action. Benefits should be faster processing times and quicker response to requests for assistance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA35

76. RURAL HOUSING PROGRAM LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1980, Subpart A; 7 CFR 1980, Subpart D

Legal Deadline: None

Abstract: Update and revise existing Guaranteed Loan Regulations to incorporate revisions made to existing Rural Housing 502 Insured Loan Regulations and to remove obstacles in loan making for lenders. This action is being done to carry out the objectives of the Housing Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA48

77. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes. Alternatives were to not revise or only incorporate some changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA49

78. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 42 USC 1471

CFR Citation: 7 CFR 1806, Subpart A

Legal Deadline: None

Abstract: Provide for the continuation of insurance for borrowers on escrow.

Timetable:

Action	Date	FR Cite
NPRM	08/01/88	
NPRM Comment Period End	10/01/88	
Final Action	02/01/89	
Final Action Effective	03/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA53

79. SECURITY SERVICING FOR SINGLE FAMILY RURAL HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1965, Subpart C

Legal Deadline: None

Abstract: Provide for the disposition of escrow funds in servicing loan accounts.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	
Final Action	04/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA54

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80. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Significance: Agency Priority

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951, Subpart G

Legal Deadline: None

Abstract: Provide for escrowing and the application of payments.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	
Final Action	04/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA55

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81. ● RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORITIES -- LETTERS OF CREDIT

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: Implementing statutory change allowing letters of credit to be used for initial operating capital and allowing packaging fees to be an eligible development cost for nonprofit borrowers

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA57

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82. ● RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS -- CONGREGATE HOUSING AND GROUP HOMES

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: To expand the existing authority for congregate housing and group homes in FmHA Instruction 1944-E.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA58

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83. ● SECONDARY MARKET FOR FARMER PROGRAM LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Devel. Act (amendment); PL 100-233, Sec 711 Agricultural Credit Act of 1987

CFR Citation: 7 CFR 1980

Legal Deadline: Final, Statutory, July 6, 1988.
PL 100-233, Sec 711, states: "Within 180 days after the date of the enactment of this Act, the Secretary shall develop and promulgate final regulations to implement this section (cont)

Abstract: Legislation mandates that the Secretary develop procedures to facilitate, administrate and promote secondary market operations for FmHA guaranteed farm loans. It is suggested that the Secretary, directly or through a market maker, provide for the pooling of guaranteed loans and the issuance and sale of certificates backed by those loan pools. Through this procedure secondary market activities could be promoted and expanded, thereby increasing the supply of loan money in rural areas -- allowing rural banks to increase their lending activity to farmers, rural businessmen and residents. Obtaining the services of a private agent to act as a central registry and fiscal agent -- coordinating fund flows from lenders to pool investors; handling pool formations and executions, issuance and ownership of pool shares, and monitoring of loan payments -- is the favored alternative expected to successfully meet the legislative mandate. This agent would be a private firm compensated by banks, private financial institutions and investors. FmHA would act as the facilitator, arranging for the creation of this private market activity, but not (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: ABSTRACT CONT: funding the agent. Another alternative considered is establishing an in-house capability to track the sale of guaranteed loans and transfer payments as required, but this option would require substantial personnel and other Agency resources and would prove extremely expensive.

USDA—FmHA **Proposed Rule Stage**

LEGAL DEADLINE CONT: and the Amendment may by this section."

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA59

84. ● FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1944 Subpart D

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing regulations. This action is in response to the general public and FmHA staff requests for clarification of the Farm Labor Housing regulations. The intended effect is to provide more comprehensive guidance to applicants when applying for farm labor housing loans and grants: (1) make certain paragraphs consistent with other related parts and other housing regulations; (2) redefine terminology to ensure appropriate implementation of program eligibility standards; (3) incorporate provision of the Housing and Urban Recovery Act of 1983; housing amendments of 1984, 85 and 86; and (4) provide direction to FmHA State and District Office personnel through separate processing instructions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA60

85. ● FARM LABOR LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATION

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1944 Subpart D

Legal Deadline: None

Abstract: Revision to incorporate provisions of Housing and Community Development Act of 1987 (PL 100-242) regarding the definition of "Domestic Farmworker," that determine the eligibility of such farmworkers to occupy housing financed under the Farm Labor Housing Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA62

86. ● RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS -- COOPERATIVE HOUSING LOANS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C; 7 CFR 1965 Subpart B; 7 CFR 1924 Subpart A

Legal Deadline: None

Abstract: To include provisions for Cooperative Housing Loans in the Rental Housing Regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA63

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA) **Final Rule Stage**

87. ● MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: Revision required by the Office of Inspector General (OIG) to change standards for multiple housing project audits to Generally Accepted Government Auditing Standards (GAGAS) in order to minimize potential for fraud, waste and abuse of Government lending. OIG used State audits of the multiple family housing program to document their concerns so alternatives to regulation change were limited.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of

Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA20

88. CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Legal Deadline: Other, Statutory, March 31, 1986.
For Interim Final Rule published 4/21/86.

Abstract: Most of the provisions of the Food Security Act of 1985 are mandated by the Act. The major effects will be to insure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, provide for additional ways that borrowers may continue farming, provide a home during the transition from farming to other employment, preserve the family farm, protect the national food supply, and provide for conservation of less productive land. (FmHA 86-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/86	51 FR 9174
Interim Final Rule	04/21/86	51 FR 13437
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA23

89. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1924, Subpart A

Legal Deadline: None

Abstract: Revision to the Certification requirement for drawings and specifications. No costs associated. Benefits will be reduced costs to obtain certifications.

Timetable:

Action	Date	FR Cite
NPRM	03/09/88	53 FR 7532
NPRM Comment Period End	05/09/88	
Final Action	10/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA36

90. SECTION 504 RURAL HOUSING LOANS AND GRANTS

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944, Subpart J (Revision)

Legal Deadline: None

Abstract: Incorporates revisions to Agency's authorizing statutes made by the 1983 Housing amendments. Expands loan purposes, increases the total amount of assistance available. No cost increase. Will benefit more homeowners.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19924
NPRM Comment Period End	08/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA37

91. ANALYZING CREDIT NEEDS AND GRADUATION OF BORROWERS

Significance: Agency Priority

Legal Authority: 42 USC 1472

CFR Citation: 7 CFR 1951-F

Legal Deadline: None

Abstract: Provide for Contracting for Borrower Graduation by a private contractor and certain other changes.

Timetable:

Action	Date	FR Cite
NPRM	03/29/88	53 FR 10098
NPRM Comment Period End	05/31/88	
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA40

92. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: Revision, responding to provision of the Housing and Community Development Act of 1987, allows tenant selection to correspond to tax credit eligibility criteria for affected multiple family housing borrowers. Since this revision is mandated by legislation, alternatives were limited.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South

USDA—FmHA **Final Rule Stage**

Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA50

93. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1965, Subpart B

Legal Deadline: None

Abstract: This revision implements Subtitle C, "Rural Rental Housing Displacement Prevention," of the Housing and Community Development Act of 1987. Since this revision is mandated by legislation, alternatives were limited.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA51

94. PREDETERMINED AMORTIZATION SCHEDULE SYSTEM (PASS) ACCOUNT SERVICING

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1951, Subpart K; 7 CFR 1951, Subpart A; 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: Revision reincorporates automated billing provisions removed from an April 18, 1984, prior rule pending the development of computer capacity and combines multiple family housing account servicing under one regulation. Alternative is to remain under current burdensome process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/88	
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA52

95. CHANGES TO THE FARMERS HOME ADMINISTRATION (FMHA) FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT APPLICABLE PROVISIONS OF "THE AGRICULTURAL CREDIT ACT OF 1987"

Significance: Regulatory Program

Legal Authority: PL 100-233, Sec 601

CFR Citation: 7 CFR 1910, Subpart A; 7 CFR 1924, Subpart A; 7 CFR 1924, Subpart B; 7 CFR 1941, Subpart A; 7 CFR 1941, Subpart B; 7 CFR 1943, Subpart A; 7 CFR 1943, Subpart B; 7 CFR 1943, Subpart C; 7 CFR 1945, Subpart A; 7 CFR 1945, Subpart C; 7 CFR 1945, Subpart D; 7 CFR 1946, Subpart A (New); 7 CFR 1951, Subpart A; 7 CFR 1951, Subpart L; 7 CFR 1951, Subpart S (New); ...

Legal Deadline: Final, Statutory, June 3, 1988.

Abstract: To implement the provisions of Public Law 100-233, The Agricultural Credit Act of 1987, to reduce losses to the Secretary, help rural communities and help financially distressed farmers to continue farming.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/14/88	53 FR 35638
Interim final rule public comment period end	11/14/88	
Final Action	02/01/89	
Final Action Effective	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Avenue, Washington, DC 20250, 202 382-9744

RIN: 0575–AA56

96. ● SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED -- SINGLE FAMILY HOUSING

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The borrower's repayment ability will be used to determine if an unauthorized Section 504 Grant should be repaid as a loan. This action will alleviate the undue financial hardship for elderly borrowers with a very low income.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	
ANPRM Comment Period End	02/01/88	
Final Action	11/01/88	
Final Action Effective	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA61

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

97. RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS

CFR Citation: 7 CFR 1944

Completed:

Reason	Date	FR Cite
Withdrawn	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA28

98. INTERMEDIARY RELENDING PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1948-C

Completed:

Reason	Date	FR Cite
Final Action	08/15/88	53 FR 30643
Final Action Effective	08/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA43

99. DEBT SETTLEMENT - COMMUNITY AND BUSINESS PROGRAMS

Significance: Agency Priority

CFR Citation: 7 CFR 1956-C, (New)

Completed:

Reason	Date	FR Cite
Final Action	04/21/88	53 FR 13098
Final Action Effective	04/21/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA44

100. SUPPLEMENTAL REQUIREMENTS FOR MAKING SECTION 502 RH LOANS FOR MANUFACTURED HOMES

CFR Citation: 7 CFR 1944A, Exhibit F

Completed:

Reason	Date	FR Cite
Withdrawn	07/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA46

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Final Rule Stage

101. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276

Legal Deadline: None

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/09/86	51 FR 12268
Final Action	10/00/88	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA05

102. FOOD DISTRIBUTION PROGRAM - PART 250

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	06/03/88	53 FR 20416
Final Action	06/30/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA07

USDA—FNS **Final Rule Stage**

103. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	
Final Action	06/30/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA09

104. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during declared disasters. (FNS 84-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/88	
Final Action	08/31/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA24

105. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	11/30/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA52

106. ADMINISTRATION/ MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: NPRM, Statutory, April 1, 1987.

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	12/31/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA63

107. ● EMPLOYMENT AND TRAINING REQUIREMENTS TECHNICAL CORRECTIONS PROPOSED RULE

Significance: Regulatory Program

Legal Authority: The Food Stamp Act of 1977, as amended; 7 USC 2011 to 2029

CFR Citation: 7 CFR 273.1; 7 CFR 273.7

Legal Deadline: None

Abstract: The proposed rule will clarify several aspects of the Food Stamp Program Employment and Training Rule published December 31, 1986, and will accomplish minor corrections in other portions of this rule. The clarifications and corrections are the result of program experience gained through the initial operations of a program component entirely new to the Food Stamp Program as a whole.

The Department is concerned that current regulations may be inequitable to States by mandating that they use the full October 1988 count of

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Final Rule Stage

mandatory E&T participants in computing the base on which the Fiscal Year 1989 first reporting period 35 percent E&T placement standard will be applied. This procedure inflates State placement obligations for this period and makes it difficult for them to meet these obligations. The Department is also concerned that current regulations permit States agencies some latitude in counting individuals as "placed" in E&T programs for performance measurement purposes. This results in individuals being counted as "placed" in E&T programs more than once and inflates State placement success rates. This proposed rule implements (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23638
Final Action Effective	11/28/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ABSTRACT CONT: Departmental action to correct these inequities together with other minor alterations and clarifications.

Agency Contact: Irene Lankford, Assistant to the Associate Administrator, Food and Nutrition Service, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1107, Park Office Center, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA72

108. ● SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603; Immigration Reform and Control Act (IRCA) of 1986 (Section 121)

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.
Deadline for interim final rule

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. Such use is mandatory by October 1, 1988, and this addresses use during that period. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/88	
Final Action	03/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Irene Lankford, Assistant to the Associate Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1107, Alexandria, Virginia 22302, 703 756-3064

RIN: 0584–AA73

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

109. WAIVER SIMPLIFICATION: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 273; 7 CFR 273.21

Completed:

Reason	Date	FR Cite
Withdrawn	08/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584–AA02

110. SIMPLIFIED APPLICATION AND STANDARDIZED BENEFITS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 282.19

Completed:

Reason	Date	FR Cite
Final Action	07/12/88	53 FR 26219
Final Action Effective	08/11/88	53 FR 26219

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584–AA62

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

111. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Legal Deadline: None

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products;

USDA—FSIS **Prerule Stage**

assigning program employees; designating States and territories and providing reimbursable services; scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA02

112. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Legal Deadline: None

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of products between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	12/01/86	
End Review	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA19

113. ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCTS INTO THE UNITED STATES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: FSIS will review the import eligibility provisions of regulations promulgated under the Federal Meat Inspection Act and Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: G. E. McEvoy, Director, Planning Office, PP, Department of Agriculture, Food Safety and Inspection Service, Room 105-Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA55

114. ● LABELING OF FRANKFURTERS AND SIMILAR PRODUCTS CONTAINING BINDERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This advance notice of a proposed rule announces FSIS's intention to amend the Federal meat and poultry products inspection regulations to remove labeling requirements and use limitations required for certain binders in sausage, breakfast sausage, frankfurters, cheesefurters, bockwurst, similar products, and poultry rolls. This advance notice also requests information from interested persons as to whether granting the petition would result in false or misleading labeling or permit the use of binders in excess of what is needed to "bind" the products.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/88	
ANPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, **202 447-4293**

RIN: 0583–AA92

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

115. VARIOUS AMENDMENTS TO ACCOMMODATE INSPECTION OF MEAT FOOD PRODUCTS UNDER TITLE IV OF THE FUTURES TRADING ACT OF 1986

Significance: Regulatory Program

Legal Authority: PL 99-641, Title IV

CFR Citation: 9 CFR 301 to 335

Legal Deadline: None

Abstract: In November, 1986, PL 99-641 amended the Federal Meat Inspection Act to permit the Department to vary the manner and frequency by which it conducts inspection in establishments producing meat food products. All existing inspection regulations are based upon and reflect the previous statutory requirement that Federal inspectors be continuously present in such establishments. FSIS must develop new inspection procedures to allocate inspection resources among such establishments based on a variety of factors, including (1) the nature and frequency of the processing operations, (2) the adequacy and reliability of the processing control and sanitary procedures, and (3) the establishment's

history of compliance with inspection requirements. The meat inspection procedures will touch upon virtually all existing meat regulations concerning inspection of meat food products. Details of these new procedures and the specific proposed regulatory amendments will be developed upon the conduct in 1987 of a pilot program to test alternative procedures in selected plants.

Timetable:

Action	Date	FR Cite
NPRM	08/31/88	
NPRM Comment Period End	10/01/88	
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Room 327-E, Administration Building, Washington, DC 20250, **202 447-6525**

RIN: 0583–AA26

116. REQUIREMENTS FOR PARTIALLY DEFATTED PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
ANPRM Comment Period End	01/21/86	
NPRM	02/19/89	
NPRM Comment Period End	04/12/89	
Final Action	08/19/89	
Final Action Effective	09/19/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, **202 447-6042**

RIN: 0583–AA27

117. CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: Would permit an official meat or poultry establishment that has voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	
NPRM Comment Period End	04/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401-Cotton Annex, Washington, DC 20250, **202 447-2326**

RIN: 0583–AA28

118. VERIFIED PRODUCTION CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to aid in the control and reduction of residues of drugs, pesticides and other chemicals in meat and poultry products, and permit label claims concerning how an animal was raised to appear on meat and poultry products subject to USDA's ability to verify such claims.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. W. R. Miller, Director, Residue Evaluation and Planning Division, Science Divisior., Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, **202 447-2326**

RIN: 0583–AA29

119. DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 39659
NPRM Comment Period End	12/22/88	
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA30

120. SULFONAMIDES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	
Final Action	04/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: W. R. Miller, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA31

121. CATTLE POST-MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would improve post-mortem inspection procedures for cattle which will result in maximum inspection efficiency and increased productivity. By modernizing cattle inspection procedures, FSIS would increase its inspection productivity while assuring that only wholesome meat enters domestic commerce.

It is anticipated that the meat industry will experience a net gain if this system of inspection is implemented in spite of the initial costs of facility modifications which may be necessary in some establishments. Savings to the industry as a whole should occur because of increased productivity and reduced overtime.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas Berndt, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA32

122. USE OF LACTIC ACID AND ACETIC ACID AS ANTI-MICROBIAL AGENTS ON MEAT AND POULTRY CARCASSES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend Federal meat and poultry products inspection regulations by allowing lactic acid and acetic acid to be applied to meat and poultry carcasses for the purpose of reducing microbial contamination.

Timetable:

Action	Date	FR Cite
NPRM	02/05/89	
NPRM Comment Period End	04/05/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-4293

RIN: 0583–AA43

123. TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by incorporating the dry-cured ham research study findings. This study evaluated the efficiency of present procedures in the commercial production of dry-cured hams and determined the combinations of curing time, temperature, salt concentration, and water activity necessary to inactivate t. spiralis.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	
NPRM Comment Period End	02/28/89	
Final Action	08/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA49

124. USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would prescribe acceptable conditions for the reuse of water in official establishments. This rule would outline methods protecting the potable water supply and describe conditions of use of fresh water. In addition, the rule would also consolidate and make uniform pre-existing policies for the use and reuse of water and brine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment, and Sanitation Div., Department of Agriculture, Food Safety and Inspection Service, Room 1140 South Bldg., Washington, DC 20250, 202 447-3885

RIN: 0583–AA54

125. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; CERTIFICATION REQUIREMENTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would be amended to require specific certification language, advise certifying parties of the consequences of false statements, and include custodians as well as producers as parties to certification. These changes will improve the effectiveness of the voluntary certifications by providing uniformity to certifications and warnings about false statements. Because of increasing high levels of antibiotic and sulfonamide residues found in young veal calves, the Food Safety and Inspection Service in 1984 initiated intensified inplant testing procedures to prevent adulterated meat from entering consumer channels. These procedures provide for a voluntary written certification program that allows for less intense testing of calves certified as not having been treated with drugs, or if so, that prescribed label directions were followed. More recently the Office of the Inspector General recommended that the Agency develop a standard form for the certified calf program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. R. Miller, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA58

126. CERTAIN PRODUCTS WITH MEAT INGREDIENTS -- EXEMPTIONS FROM DEFINITION OF A "MEAT FOOD PRODUCT"

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 301; 9 CFR 303

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to exclude specific products and classes of products containing meat, meat byproducts, and/or meat food products from the definition "meat food product" and thereby would exempt these products from Federal inspection. The proposal identifies two broad conditions for exemption: (1) products containing 3 percent or less of raw meat or other portion of any carcass, or less than 2 percent of cooked meat or other portion of any carcass, and (2) products that historically have not been considered by consumers as products of the meat food industry. This proposal would replace current informal standards for exemptions with formal, codified exemptions.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-4293

RIN: 0583–AA62

127. USE OF CERTAIN BINDERS IN MEAT AND POULTRY PRODUCTS AND TRANSFER OF BINDERS IN TEXT TO THE TABLES OF APPROVED SUBSTANCES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would permit the use of wheat gluten, tapioca dextrin, when protein concentrate, and sodium caseinate as binders in various meat and poultry products. This action responds to petitions submitted by several companies requesting that the Food Safety and Inspection Service permit these substances in various meat and poultry products to improve the texture of the products.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	
Final Action	04/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-4293

RIN: 0583–AA64

128. IMMERSION CURED AND DRY CURED BACON

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would limit nitrate to 120 parts per million (ppm) going into immersion cured bacon bellies and to 200 ppm going into dry cured bacon bellies. The principal effect of this proposed rule would be to reduce the formation of nitrosamines in bacon by prohibiting the use of nitrate in the production of immersion cured and dry cured bacon.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, Department of Agriculture, Food Safety and Inspection Service,

Rm. 2158 South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA65

129. CONTROL OF ADDED SUBSTANCES AND LABELING REQUIREMENTS FOR TURKEY HAM PRODUCTS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the definition and standard and labeling requirements for turkey ham products. The current provision limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing. This provision would be replaced by provisions specifying a minimum meat protein content on a fat free basis (PFF) in various turkey ham products. Compliance procedures to assure conformance with the proposed standards would be based on contemporary statistical science applied to current processing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 311 Annex Building, Washington, DC 20250, 202 447-4293

RIN: 0583–AA66

130. ADDITIONAL TRICHINA DETECTION METHODS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the regulations to permit use of an approved method for examining swine for evidence of trichinosis. The Food Safety and Inspection Service (FSIS) has been petitioned by a manufacturer of serological tests to amend the Federal meat inspection regulations to approve the use of immunoassays for the examination of swine for evidence of trichinosis infection. FSIS has reviewed the performance of the petitioner's assay in a laboratory where sera prepared by the Agency were tested by a precisely defined procedure and has concluded that immunoassays can effectively detect evidence of trichinosis in swine.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm. 2159 South Bldg., Washington, DC 20250, 202 447-4293

RIN: 0583–AA67

131. NET WEIGHT

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would make Federal and State weights and measures procedures and techniques more consistent, objective and equitable. Under the proposed rule, USDA would adopt the National Bureau of Standards Handbooks 133 and 44 as its standards. The proposed amendment would recognize a fixed amount of acceptable moisture loss by product. This will replace the term "reasonable variation." Moreover the amendment will grant concurrent jurisdiction to State and local authorities to enforce net weight labeling of federally inspected meat and poultry products within their geographic area. The amendment will promote uniform treatment of moisture loss and weights and measures standards as well as encourage and enable greater State and local participation.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	
NPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John McCutcheon, Deputy Administrator, Meat & Poultry Inspection Technical Services, Department of Agriculture, Food Safety and Inspection Service, Rm. 350-E, Administration Bldg., Washington, DC 20250, 202 447-3521

RIN: 0583–AA69

132. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317

Legal Deadline: None

Abstract: This proposed rule would add a new exception to the requirement that the list of ingredients on the labels of meat food products shall show the common or usual names of the ingredients. The exception would apply to the use of Mechanically Separated (Species) (MS(S)), at levels no greater than ten percent of the livestock and poultry product portion of a meat food product, providing that the labeling of such product bear a calcium content declaration in accordance with section 317.2(j)(13)(ii) of the Federal meat inspection regulations (9 CFR 317.2(j)(13) (ii)). This action is the result of a petition submitted to the Food Safety and Inspection Service by several members of the meat industry to amend the labeling requirements for meat food products containing MS(S).

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-4293

RIN: 0583–AA71

133. ● PROCESSING INSPECTION UNDER DISCRETIONARY AUTHORITY

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; PL 96-511; 44 USC 3501 et seq; PL 99-641, Title IV; 7 USC 1901 et seq; 7 USC 450 et seq

CFR Citation: 9 CFR 301; 9 CFR 302; 9 CFR 303; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 308; 9 CFR 312; 9 CFR 314; 9 CFR 316; 9 CFR 317; 9 CFR 318; 9 CFR 320; 9 CFR 322; 9 CFR 325

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations and the poultry products inspection regulations to reflect a variety of changes in how Federal inspection coverage would be provided by FSIS in establishments that prepare meat food products and/or process poultry products beyond slaughter and evisceration under a 1986 amendment to the Federal Meat Inspection Act which authorizes increased Agency discretion in determining the frequency and manner of such inspections. The proposed regulations would provide for modifications primarily to rules governing agency organization, procedure and practice, revision of incompatible terminology in existing regulations, and the addition of rules describing the essential criteria to be used by FSIS in determining the conditions and methods of inspection coverage in such processing establishments.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	
NPRM Comment Period End	01/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, **202 447-6525**

RIN: 0583–AA72

134. ● USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	
Final Action	04/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, **202 447-4293**

RIN: 0583–AA75

135. ● REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to establish specific requirements concerning processing procedures used in the production of semi-dry and dry fermented sausages. Currently, the Agency has only general requirements concerning the processing procedures for these products. This proposal will provide that a manufacturer of semi-dry and/or dry fermented sausages use either a model good manufacturing practice (GMP) procedure with specified or described critical control points, process control limits, and monitoring activities; or an approved processing procedure from a processing authority who would define the critical control points, process control limits, and monitoring activities for each processing procedure. In addition, the proposal requires that all processes for semi-dry and/or dry fermented sausages comply with a set of validation criteria to assure the product is not adulterated. The proposed rule provides the necessary processing requirements to assure that the production of fermented meat food products does not result in adulterated products.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	
NPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, **202 447-3840**

RIN: 0583–AA77

136. ● PROCESSING PROCEDURES AND LABELING

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish specific requirements concerning processing procedures and cooking instructions used in the production of heated, uncured and comminuted meat food products and heated, uncured, comminuted, and breaded poultry food products. The proposed regulations would guide producers in manufacturing and labeling of heated products to reduce the potential for incidence of food-borne pathogen illnesses from consumption of commercially heated products.

USDA—FSIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA81

137. ● TURKEY-BACON PRODUCTS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit preparation of partially cooked, cured and smoked poultry breakfast strip products which are intended to be cooked further before consumption. This action is in response to a petition submitted by Swift Eckrich, Inc., Oak Brook, Illinois, for a change in the requirements for cooked poultry products. FSIS would amend the regulations to require that the products be labeled with cooking instructions which will inform the consumer that the products are not suitable for consumption until thoroughly cooked.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA82

138. ● SODIUM/POTASSIUM LACTATE AS ANTIMICROBIAL AGENTS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as antimicrobial agents in cooked meat and poultry products, and would provide for additional protection against the growth and toxin development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Divison, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA83

139. ● PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This proposed rule would replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA84

140. ● IMPORT OF LIVESTOCK CARCASSES WITH TISSUES REMOVED

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to remove the requirements prohibiting the importation into the United States of carcasses or parts of carcasses of livestock from which the pleura, peritoneum, body or portal lymph nodes are removed. These carcasses or parts would be imported based on the eligibility of the exporting countries, and whether they are wholesome, not adulterated and properly marked and/or labeled. This action is in response to a petition submitted by Cloverdale Foods Company, Minot, North Dakota.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standard and Procedures Division, TS,

USDA—FSIS

Proposed Rule Stage

Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3219

RIN: 0583–AA85

141. ● LACTIC ACID STARTERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of lactic acid producing bacteria as a temperature abuse indicator in hermetically sealed meat food and poultry products that are sold refrigerated or frozen. The use of lactic acid producing bacteria in these products would inhibit the growth and toxin production by Clostridia botulinum, as well as impart flavors to the product in the event of temperature abuse during distribution and storage of the product.

Timetable:

Action	Date	FR Cite
NPRM	01/08/89	
NPRM Comment Period End	03/08/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA86

142. ● AUTOMATIC EXPIRATION SYSTEM FOR APPROVED LABELS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to define a system whereby industry labels will have an automatic expiration date upon approval. The purpose of this action will be to prevent approved labels that are no longer in use from remaining in the data base unnecessarily. This will benefit both the public and the agency by improving our responsiveness to label inquiries and enforcement of changes in labeling regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA87

143. ● SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS -- REVISION OF LISTINGS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to reorganize the table of approved substances in an alphabetical order by the substance name rather than by class of substance, to include substance approvals not listed as well as amend individual product standards, and separate those substances approved for use as processing aids into a second chart. This proposed rule will assist the user in locating a substance more quickly and provide more consistency in using the table, update the regulations to reflect existing policies and current industry practices, and provide clarity to the chart of substances.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA93

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

144. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID, AND CALCIUM LACTATE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule will permit the use of a binder complex approved for use in restructured meat products to be used in restructured poultry products in which binders are permitted, and will result in superior binding of chopped/ground/sectioned and formed poultry products.

Timetable:

Action	Date	FR Cite
Final Action	10/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-4293

RIN: 0583–AA34

145. STREAMLINED INSPECTION SYSTEM FOR BROILERS AND CORNISH GAME HENS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This final rule will establish a new inspection system for broilers and cornish game hens in response to increased demands on Agency resources. The "streamlined inspection system" allows increased efficiency in the use of FSIS resources and those of the poultry industry while still providing consumers with wholesome, unadulterated products.

Certain changes in plant facilities are required but should result only in minor expenditures. The industry will realize gains through reduced charges for overtime, reduced workspace requirements, and increased productivity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/29/86	51 FR 3569
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards and Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA38

146. ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM ASCORBATE, AND SODIUM CITRATE IN FRESH PORK CUTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None

Abstract: This final rule will permit the use of ascorbic acid, citric acid, erythorbic acid, sodium ascorbate, and sodium citrate, singly or in combination to maintain the color of fresh pork cuts. Fresh pork cuts which have been treated to maintain color by the addition of these substances will be required to be labeled with a qualifying phrase, contiguous to the product name, which indicates that they have been treated to maintain color. Use of these substances will result in maintenance of color for a period of time equivalent to the microbiological shelf life of fresh pork cuts. This will permit extended distribution of pork cuts prepared and packaged in federally inspected establishments. The petitioner has supplied FSIS with sufficient information to satisfy the requirements of 9 CFR 318.7(a)(2) which provide for the issuance of a final rule. However, due to the potential significance of color maintenance through the use of added substances, this rule was published as an interim final rule with request for comments so that commercial and public comment can be obtained and considered prior to confirmation of the rule as final.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/86	51 FR 30052
ANPRM Comment Period End	12/22/86	
Final Action	10/15/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Room 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA40

147. INGREDIENTS THAT MAY BE IDENTIFIED AS FLAVORS OR NATURAL FLAVORS WHEN USED IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to better define which substances should be permitted to be labeled as "flavors," "natural flavors," or "spices" on packages of meat and poultry products. The proposed rule addresses the use of substances which are often added to products for the purpose of serving as flavor enhancers, emulsifiers, stabilizers, binders, extenders, and as nutrients. Most of the substances that would be affected by the proposed rule are proteinaceous materials, having nutritional value, and which may be considered foods, in their own right. The proposed rule would require that these substances be identified by their common or usual names, thereby informing consumers of the origin of these materials including the species and specific animal tissues from which they are derived, if animal in origin. The proposed rule is designed in part to address the personal, cultural, and religious concerns of consumers, as well as the allergies or sensitivities some consumers may have to some of the substances.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30922
Final Action	10/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA44

148. SAFETY AND SANITATION REQUIREMENTS FOR ELECTRICAL STIMULATING EQUIPMENT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 308

Legal Deadline: None

Abstract: This final rule will amend the Federal meat inspection regulations to specify safety and sanitation requirements for electrical stimulating (EST) equipment. Federally inspected establishments may use EST equipment to accelerate rigor mortis in slaughtered meat animals (cattle, sheep, swine, goats, horses, mules, or other equines). The safety requirements would protect inspection personnel working near that equipment from the hazard of potentially lethal electric shock or other injury. The sanitation requirements would prevent adulteration of the carcasses.

USDA—FSIS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/16/87	52 FR 12422
NPRM Comment Period End	06/12/87	
Final Action	10/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment and Sanitation Div., Department of Agriculture, Food Safety and Inspection Service, Rm 1140-South Bldg., Washington, DC 20250, **202 447-3885**

RIN: 0583–AA45

149. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would respond to amendments made to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/20/88	
Final Action	02/01/89	
Final Action Effective	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Havlik, Assistant Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 341-E, Administration Bldg., 14th & Independence Ave., SW, Washington, DC 20250, **202 447-2644**

RIN: 0583–AA47

150. USE OF AIR FOR CARCASS HIDE REMOVAL

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to allow several acceptable procedures for the inflation of carcasses and parts of carcasses with air injected during dressing operations. Any establishment interested in using air for other purposes than those mentioned in the proposed rule would be required to submit those procedures to FSIS for approval prior to its use.

Timetable:

Action	Date	FR Cite
NPRM	11/01/87	
NPRM Comment Period End	01/01/88	
Final Action	10/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Standards and Procedures, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 4444-South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583–AA48

151. MOVEMENT OF IMPORTED PRODUCT PRIOR TO REINSPECTION

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would prohibit any transportation of imported meat and poultry products from the port of first arrival until reinspected by FSIS. Responds to 1987 Office of Inspector General (OIG) report that noted physical and administrative control problems over product shipped to other locations after entering the United States before it had received reinspection. Based on the above, OIG recommended that FSIS take action to require that all imported products be reinspected at the port of first arrival rather than at their final destination.

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17059
NPRM Comment Period End	07/12/88	
Final Action	01/01/89	
Final Action Effective	02/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, FSIS, Department of Agriculture, Food Safety and Inspection Service, Rm. 4332-South Bldg., 14th & Independence Ave., SW, Washington, DC 20250, **202 447-2952**

RIN: 0583–AA53

152. VOLUNTARY INSPECTION OF EXOTIC ANIMALS

Legal Authority: 7 USC 1622; 21 USC 601 et seq

CFR Citation: 9 CFR 350; 9 CFR 352

Legal Deadline: None

Abstract: This proposed rule would provide for the voluntary inspection of certain exotic animals under Food Safety and Inspection Service's voluntary inspection program and would provide for ante-mortem and post-mortem inspection on a fee-for-service basis of elk, deer, antelope, reindeer and water buffalo in the manner as is presently performed for American bison.

Timetable:

Action	Date	FR Cite
NPRM	02/24/88	53 FR 5387
NPRM Comment Period End	04/25/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas L. Berndt, Director, Slaughter Inspection Stds. and Proc. Branch, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, **202 447-3219**

RIN: 0583–AA60

USDA—FSIS

Final Rule Stage

153. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REDUCED TESTING

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule would amend the Federal meat inspection regulations to modify the testing frequency of young veal calves under certain conditions for residues of sulfonamides and antibiotics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. R. Miller, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-2807

RIN: 0583–AA68

154. ● USE OF BINDING MIXTURE IN VARIOUS POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This final rule would amend the poultry products inspection regulations to permit the use of a binder matrix in ground and formed poultry products. The matrix consists of a dry mixture of sodium alginate, calcium carbonate, calcium lactate and lactic acid and has been previously approved for use in meat products. FSIS has been petitioned by the Colorado State University Research Foundation, Fort Collins, Colorado, to approve these substances as ingredients which, in combination at specific ratios, have the technical effect of binding ground poultry pieces together to produce formed poultry products. FSIS is amending the regulations to add these substances to the table of approved substances as requested by the petitioner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA73

155. ● DISPOSITION OF LIVESTOCK THYROID GLANDS AND LARYNXES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to provide that livestock thyroid glands and the adjacent laryngeal muscle tissue be classified as unfit for human consumption and handled as inedible product. This action is being taken as a result of the health hazard of thyrotoxicosis associated with the consumption of meat trimmings containing cattle thyroid glands. It will also assure that thyroid glands and larynxes are not included in meat trimmings used in the preparation of meat products.

Timetable:

Action	Date	FR Cite
Final Action	10/31/88	
Final Action Effective	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina, Acting Asst. Deputy Admin., Regional Operations, MPIO, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4565

RIN: 0583–AA74

156. ● INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA76

157. ● USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to permit the use of food starch modified and other binders as water retention agents in cured pork products. FSIS has been petitioned by the Corn Refiners Association, Inc., Washington, DC, for the approval of food starch modified at a rate not to exceed 2 percent to enable ham processors to formulate products which will better meet the needs of consumers and food service operators. FSIS is amending the regulations to add this binder to the table of approved substances as requested by the petitioner. FSIS is also amending the regulations to add several other binders for use as water retention agents in cured pork products.

USDA—FSIS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA78

158. ● USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

Action	Date	FR Cite
Final Action	01/30/89	
Final Action Effective	03/03/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA79

159. ● RESTORATION OF MEXICO TO LIST OF COUNTRIES ELIGIBLE TO IMPORT TO U.S

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to restore the country of Mexico to the list of countries from which meat products may be eligible for importation into the United States. FSIS published a "confirmation of interim rules" on February 6, 1986, to remove Mexico from the list of countries eligible to import meat products into the U.S. This action was necessary because Mexico had failed to implement satisfactory residue testing and species verification programs resulting in its no longer meeting the provisions of the Federal Meat Inspection Act. Mexico has now corrected the deficiencies in its inspection system, and FSIS is proposing to relist Mexico as eligible to import cattle, sheep, swine and goat products into the U.S.

Timetable:

Action	Date	FR Cite
NPRM	07/25/88	53 FR 27866
NPRM Comment Period End	09/20/88	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, IP, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-7610

RIN: 0583–AA80

160. ● CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to extend the current cross-contamination preventive requirements for cooked beef, roast beef and cooked corned beef, to all types of heat processed meat and poultry products.

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina, Acting Asst. Deputy Admin., Regional Operations, MPIO, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4565

RIN: 0583–AA88

161. ● USE OF TOCOPHEROLS, ASCORBYL PALMITATE AND CITRIC ACID AS ANTIOXIDANTS IN ADDITIONAL PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This final rule would amend the Federal meat and poultry products inspection regulations to permit the use of tocopherols, ascorbyl palmitate and citric acid as antioxidants in various products. FSIS has been petitioned by the Diamond Crystal Salt Company, Inc., St. Clair, Michigan, to approve the use of these substances in meat and poultry products at higher levels than 0.02 percent.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Indepence Ave., SW, Washington, DC 20250, 202 447-4293

RIN: 0583–AA89

162. ● IMPORTATION OF MEAT AND POULTRY PRODUCTS; REFUSED ENTRY PRODUCT

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

USDA—FSIS **Final Rule Stage**

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to clarify what actions the agency will take when refused entry product exported to another country is returned to the U.S. The proposal would add a proviso that any such products exported to another country and returned to the U.S. would be subject to seizure and condemnation in accordance with the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patrick Clerkin, Director, Field Operations Division, CD, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-5604

RIN: 0583–AA90

163. ● DEFINITION OF TERMS – "IMPORTATION" AND "ENTRY"

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This interim rule would amend the Federal meat and poultry products inspection regulations to define the terms "importation" and "entry" to clarify when imported product becomes subject to U.S. requirements. Once product offered for importation has been reinspected by FSIS inspectors and the official mark of inspection has been applied, FSIS considers that such product has been entered into the U.S. and is the regulatory equivalent of domestic product. This action is a result of recent litigation which indicated the need for clarification of terms with respect to USDA's interpretation of provisions of the Federal Meat Inspection Act and the regulations thereunder concerning at what point FSIS considers imported products to be domestic products.

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3473

RIN: 0583–AA91

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

164. STANDARD FOR FRANKFURTERS AND SIMILAR COOKED SAUSAGES

Significance: Regulatory Program

CFR Citation: 9 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	03/15/88	53 FR 8425
Final Action Effective	04/14/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-6042

RIN: 0583–AA21

165. SWINE IDENTIFICATION AT OFFICIAL SLAUGHTERING ESTABLISHMENTS

Significance: Regulatory Program

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 320

Completed:

Reason	Date	FR Cite
Duplicate of RIN: 0583-AA39 Which was completed in the last agenda	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas Berndt 202 447-3219

RIN: 0583–AA25

166. DISPOSAL OF LIVESTOCK CARCASSES AND PARTS CONDEMNED FOR BIOLOGICAL RESIDUES

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 314

Completed:

Reason	Date	FR Cite
No further action at this time	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas L. Berndt 202 447-3219

RIN: 0583–AA33

167. ELIMINATION OF SEALING REQUIREMENT FOR RENDERED EDIBLE ANIMAL FAT

CFR Citation: 9 CFR 316; 9 CFR 317; 9 CFR 350

Completed:

Reason	Date	FR Cite
Final Action	07/29/88	53 FR 28632
Final Action Effective	08/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill F. Dennis 202 447-3840

RIN: 0583–AA36

168. RANDOM WEIGHT PACKAGES; STATEMENT OF NET WEIGHT DECIMAL PLACES

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	07/29/88	53 FR 28634
Final Action Effective	08/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis 202 447-3840

RIN: 0583–AA37

169. DETERMINATION OF "ADDED WATER" IN COOKED SAUSAGES

Significance: Agency Priority

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Duplicate of RIN: 0583-AA30	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret O'K. Glavin 202 447-6042

RIN: 0583–AA41

170. USE AND LABELING OF BLOOD COMPONENTS AS INGREDIENTS IN MEAT FOOD PRODUCTS

CFR Citation: 9 CFR 318; 9 CFR 317

Completed:

Reason	Date	FR Cite
No further action at this time	07/28/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-4293

RIN: 0583–AA42

171. GLUCONO DELTA LACTONE AS AN ACIDIFIER IN MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	03/09/88	53 FR 7493
Final Action Effective	04/08/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-4293

RIN: 0583–AA46

172. ANTIOXIDANTS IN FABRICATED STEAKS

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
No further action at this time	07/28/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-4293

RIN: 0583–AA50

173. NOTICE OF PROCEEDINGS

Significance: Agency Priority

CFR Citation: 9 CFR 335

Completed:

Reason	Date	FR Cite
Final Action	05/13/88	53 FR 17015
Final Action Effective	06/13/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert W. Gonter 202 447-7745

RIN: 0583–AA51

174. REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Duplicate of RIN: 0583-AA47	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Havlik 202 447-2644

RIN: 0583–AA52

175. REQUIREMENTS FOR FOREIGN COUNTRY CERTIFICATION AND LIVE ANIMAL IMPORTATION

Significance: Agency Priority

CFR Citation: 9 CFR 327

Completed:

Reason	Date	FR Cite
Duplicate of RIN: 0583-AA47	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Stolfa 202 447-3473

RIN: 0583–AA59

176. IMPLEMENTATION OF PORK IRRADIATION

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 327; 9 CFR 331; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret O'K. Glavin 202 447-7617

RIN: 0583–AA61

177. TOTAL QUALITY CONTROL FOR LABELING

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ashland Clemons 202 447-4293

RIN: 0583–AA63

178. ADDITIONAL TRICHINA DETECTION METHODS

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Duplicate of RIN: 0583-AA67	07/28/88	

USDA—FSIS **Completed Actions**

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-4293

RIN: 0583–AA70

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)
Proposed Rule Stage

179. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1989

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1987 - September 30, 1988. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA20

180. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1989

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Other, Statutory. Import quotas on sugar for FY 1987 must be announced (filed in FR) no later than 15th day of month immediately preceding calendar quarter during which such determination shall be (cont)

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: in effect.

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA21

181. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: for future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amends the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA23

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)
Prerule Stage

182. PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/90	
End Review	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

USDA—FS

Prerule Stage

Additional Information: Review of these planning regulations is being rescheduled to allow completion of all forest plans. It is essential to orderly planning for National Forest System lands and resources that the planning process remain stable until all plans are completed. Review of 36 CFR 219 is therefore rescheduled to begin April 1990.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA50

183. OFFICIAL FOREST SERVICE INSIGNIA

Legal Authority: 5 USC 301; 18 USC 701

CFR Citation: 36 CFR 264; 36 CFR 264.1; 36 CFR 264.2; 36 CFR 264.3; 36 CFR 264.4; 36 CFR 264.5

Legal Deadline: None

Abstract: Since 1905 the Forest Service emblem, a fir-like tree in the center of a shield, has served to identify the Federal Agency responsible for protecting, managing, and developing the National Forests. Forest users and the public recognize it as a symbol of the organization. The Chief may authorize other uses of the insignia, i.e., public service, educational, and commercial purposes through the issuance of licenses. Rules governing the external use of the official insignia are set forth at 36 CFR Part 264. The rule authorizes commercial use for which a royalty is paid and for public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. Current licensees will participate in the review process.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/87	
End Review	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA59

184. 36 CFR 271 - USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None

Abstract: The regulations govern how the name or image of "Smokey Bear" may be used, who may authorize the use of "Smokey Bear," and the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This review will focus on licensing and especially exclusive licenses and will consider counterpart regulations in Part 272-Use of "Woodsy Owl" Symbol as a possible approach.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA66

185. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review will focus on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet Congressional intent.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/88	
End Review	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA68

186. USE OF "WOODSY OWL" SYMBOL

Legal Authority: 7 USC 2201; 16 USC 528; 16 USC 529; 16 USC 530; 16 USC 531

CFR Citation: 36 CFR 272; 36 CFR 272.1; 36 CFR 272.2; 36 CFR 272.3; 36 CFR 272.4; 36 CFR 272.5; 36 CFR 272.6

Legal Deadline: None

Abstract: Woodsy Owl was originated in the early 1970s by the Forest Service, the Federal Agency responsible for protecting, managing, and developing the National Forest. The symbol represents a fanciful owl who wears forest green colored slacks, a brown colored belt, a Robin Hood style forest green colored hat with a red colored feather and furthers the slogan "Give a Hoot, Don't Pollute." The Chief of the Forest Service may authorize the use of Woodsy Owl through the issuance of licenses for commercial use, under certain specified conditions, and for non-commercial educational purposes, at no charge, when use is public service and will contribute to public information and education concerning wise use of the environment and programs which foster maintenance and improvement of environmental quality. Rules concerning the external use of the Woodsy Owl symbol are set forth at 36 CFR Part 272. The rule authorizes commercial use for which a royalty is paid and public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. (cont)

USDA—FS **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	04/15/88	
End Review	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Current licensees will participate in the review process.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA76

187. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT AND FEDERAL REFUGE REGULATIONS

Legal Authority: Sec 1, 30 Stat 35; Sec 1, 33 Stat 628; Sec 1, 39 Stat 476; 16 USC 472, 551, 683

CFR Citation: 36 CFR 241

Legal Deadline: None

Abstract: This rule is being reviewed as required by USDA Departmental Regulation 1512-1, which requires the review of existing rules on a five year cycle. The Forest Service does not anticipate substantial public comment to 36 CFR 241 as it has been successfully applied.

36 CFR 241.1 describes Forest Service cooperation with State, County and Federal officials in the enforcement of all laws and regulations for the protection of wildlife. Forest Service employees may be appointed as deputy game wardens with full power to enforce State laws and regulations.

36 CFR 241.2 describes how Forest Service cooperates with States in developing plans for securing and maintaining desirable populations of wildlife species including entry into cooperative agreements for such purposes.

36 CFR 241.3 regulates hunting of game or non-game animals on Forest Service lands not managed cooperatively with States. Persons desiring to hunt on this land must procure a permit. Forest Service will cooperate with persons, firms, corporations and county and State officials in the management of (cont)

Timetable:

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: animals on national forest lands not having cooperative agreements for wildlife management with States. The Forest Service may sell or exchange or accept donations of animals in promoting conservation of wildlife.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA81

188. ISOLATED CABIN AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 497

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: Agency policy is to terminate isolated cabin authorizations on National Forest System land that were constructed without advance authorization and subsequently authorized by special use permit. These cabins are used for part- or full-time occupancy. These cabins differ from recreation residences which were established in tracts specific for this purpose and built with Agency approval and supervision. Isolated cabins originated in several ways, including encroachment and mining claims. They restrict management of the surrounding National Forest land and deprive the public from the use and enjoyment of the land actually occupied and the surrounding area. The action proposed is to seek input from the public as to whether the present policy should be continued, or whether it should be revised so as to examine each isolated occupancy and determine whether, in the interests of fairness and equity, the cabin should be converted to a recreation residence. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/00/89	
ANPRM Comment Period End	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This proposal to revise current policy, originally included in proposed policy on recreation residences (52 FR 206-208). Public comments and continuing discussions with recreation residence permittees on that policy revealed widely divergent views on the Agency's policy, strongly suggesting that isolated cabins be treated separately from recreation residences. Therefore, so as to not further delay implementation of final policy on recreation residences, a decision has been made to seek additional public comment on the isolated cabin policy before a decision is made to revise the policy.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA85

189. ● 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART A - GENERAL PROVISIONS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart A

Legal Deadline: None

Abstract: This is a five year review of 36 CFR 223, Subpart A. Subpart A primarily authorizes the conditions for free use of National Forest timber.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/89	
End Review	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box

USDA—FS **Prerule Stage**

96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA89

190. ● 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART B - TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart B

Legal Deadline: None

Abstract: This is a five year review of 36 CFR 223, Subpart B. Subpart B provides for the sale and disposal of National Forest timber, including contract conditions and provisions, advertisement and bids, award of contracts, and contract administration.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/89	
End Review	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA90

191. ● SPECIAL AREAS

Legal Authority: Sec. 1, 30 Stat 35, as amended; 62 Stat 100; Sec. 1, 33 Stat 628; 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 294.1

Legal Deadline: None

Abstract: The agency will undertake a review of its existing regulations, at 36 CFR 294.1 that provide for the setting aside of areas of National Forests, other than Wilderness or wild areas, which should be managed principally for recreation. The rule establishes size classes for areas that may or may not be designated by the Chief of the Forest Service and the Secretary of Agriculture; describes examples of the types of areas that might be set aside, and provides for clearly marking these areas on the ground. Areas classified under this section are set apart and reserved for public recreation use and such classification constitutes a formal closing of the area to any use or occupancy inconsistent with the classification.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/88	
End Review	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA91

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Forest Service (FS)

192. ● SUSPENSION AND DEBARMENT OF TIMBER PURCHASERS, 36 CFR 233, SUBPART C

Significance: Agency Priority

Legal Authority: PL 94-588, Sec 14; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None

Abstract: Currently, suspension and debarment of timber purchasers means the debarred entity is prevented from bidding or being awarded Forest Service timber sale contracts. Recently, suspended and/or debarred purchasers have been serving as subcontractors on Forest Service timber sale contracts, or acting as purchaser's representatives to receive notices and to take action on contracts. This has the effect of negating the suspension/debarment action, which is to protect the Government. The rule will be revised to prevent suspended and/or debarred purchasers from serving as subcontractors or purchaser representatives.

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	
NPRM Comment Period End	03/30/89	
Final Action	05/01/89	
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA09

193. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None

Abstract: Objective is to establish the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA24

194. ACCESS TO NON-FEDERAL LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

USDA—FS

Proposed Rule Stage

Legal Deadline: None

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37795
NPRM Comment Period End	11/28/88	
Final Action	04/15/89	
Final Action Effective	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA31

195. DOWN PAYMENTS/PERIODIC PAYMENTS ON NATIONAL FORESTS TIMBER SALES

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.52; 36 CFR 223.50

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make down payments and periodic payments on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a midpoint payment. However, to fully comply with the Act, additional rules are required. This rule will identify the requirements for periodic payments. (FS 85-014).

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	11/06/87	52 FR 43020
NPRM Comment Period End	02/19/88	53 FR 544
NPRM	11/01/88	
NPRM Public Comment Period End	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As listed in prior agendas, this action included additional rules relating to providing adjustments in terms of timber sale contracts in response to market conditions. The agency has decided to issue a new proposal that addresses only down payments/periodic payments and to issue a separate rule on market related contract term adjustments. See RIN 0596-AA98.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA33

196. GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD, FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011; 31 USC 9701

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None

Abstract: Minor amendments to 36 CFR 222, Subparts A and B are under consideration to (1) delete the portion pertaining to Grazing Advisory Boards since the authority for these Boards under FLMA expired 12/31/85, (2) refine the procedures for placing wild horses and burros in private maintenance and care, (3) clarify the notification allowed before cancelling a permit when lands grazed are to be devoted to another public purpose including disposal, and (4) delete the reference to the Granger-Thye Act concerning range improvements, and (5) authorize the Chief of the Forest Service to assess a service charge to recover the cost of processing grazing permit applications and permit waivers, and issuing grazing permits. (FS 86-004)

Timetable:

Action	Date	FR Cite
Review of Subpart B - notice of completion of review; no change in rules required	08/14/87	52 FR 30359
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use. No further rulemaking activity is planned on Subpart B. The review of Subpart B pursuant to EO 12291 concluded that there is no need to revise these rules (See Timetable).

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA35

197. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 (Mineral Leasing Act)

CFR Citation: 36 CFR 251.58

Legal Deadline: None

Abstract: The objective of this rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. In addition, the rulemaking will propose minor clarifying amendments resulting from conclusion of review of the existing regulation. (RIN 0596-AA20) (FS 86-005)

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	05/00/89	
Final Action Effective	06/00/89	
NPRM Comment Period End	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rulemaking will incorporate actions under 0596-AA20.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA36

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198. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None

Abstract: The objective of this action is to permit forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four-wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35526
NPRM Comment Period End	11/14/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA38

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199. REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA39

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200. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS ON THE COPPER RIVER ADDITION AND COPPER RIVER-BERING RIVER PORTION, CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemented by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	02/00/89	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA41

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201. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716

USDA—FS **Proposed Rule Stage**

CFR Citation: 36 CFR 254.1, (Revision); 36 CFR 254.15, (Revision)

Legal Deadline: None

Abstract: Changes in existing regulations are needed to correct errors, delete obsolete portions, update to reflect current authorities, clarify ambiguities, and supplement by incorporating new requirements on negotiation and resolution of disputes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA42

202. REVISION OF TIMBER SALE CONTRACT FORMS FS-2400-6 AND FS-2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 535; 16 USC 551; 16 USC 472a; 16 USC 607A; 16 USC 618; 42 USC 4461

CFR Citation: None

Legal Deadline: None

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Notice of availability; request for comment	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA45

203. LEASABLE MINERAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228, Subpart F to H

Legal Deadline: None

Abstract: These subparts will set forth the rules by which the Forest Service will process and respond to proposals received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which has resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proposal has been rescheduled because of the need to give priority to issuance of oil and gas leasing regulations (entry no. 184).

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA46

204. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service and its special-use authorization in permitting hydroelectric uses on National Forest System lands. The regulations' objective will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

Title V, Section 501 of the Federal Land Policy and Management Act of 1976 (FLPMA) requires that fees be paid for the use of NFS land; regulations have not yet been established to put these fees in effect. The objective is to establish a fee system for hydroelectric uses. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule would take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	12/15/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA47

USDA—FS

Proposed Rule Stage

205. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA49

206. GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53

Legal Deadline: None

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost of livestock production/ability to pay methodology which currently results in below market fees. Two alternatives are being considered. The first would continue the two different fee systems in the eastern U.S. The second alternative would implement a uniform market driven fee system in both Regions. The advantages of this alternative over the first are:

(1) Competitive bidding with a minimum bid price would be fair and equitable to all parties, the livestock owners and the government.

(2) The fee system would be cost effective and economic to administer.

(3) The fee system would provide for investments in cost effective range improvements on National Forest System lands in the eastern states.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA55

207. SKI AREA TERM PERMITS

Significance: Agency Priority

Legal Authority: PL 99-522, Sec 3(c)

CFR Citation: 36 CFR 251.50, (Revision)

Legal Deadline: Final, Statutory, October 22, 1987.
A one-year deadline is specified in the law.

Abstract: PL 99-522 provides new authority and direction for granting permits authorizing ski development and operation. It requires promulgation of rules within one year of enactment. Current direction for issuing special use permits including ski areas is contained in 36 CFR 251.50 through 251.64. While most of the current direction will continue to apply, revisions will be necessary to respond to the special provisions of the law relating to permit duration and acreage to be authorized. The law has the effect of eliminating the current need and practice to issue two permits to authorize a single resort to use more than 80 acres. Further, it authorizes the issuance of 40 year permits instead of 30 which has been the maximum in the past.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA57

208. ● 36 CFR LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 262

Legal Deadline: None

Abstract: These rules describe awards the Forest Service is authorized to make for information leading to arrest and convictions of persons who start fires or otherwise destroy property on National Forests. Subpart B sets forth rules governing impoundment or removal of unauthorized personal property from National Forest System lands.

Review has focused on the adequacy of the rules for administration of the National Forests and has revealed the need for minor revisions. The agency is now developing a proposed rule in response to the review.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	02/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

USDA—FS **Proposed Rule Stage**

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA65

209. INCREASE IN MINIMUM RATES CHARGED FOR TIMBER

Legal Authority: 16 USC 472a

CFR Citation: None

Legal Deadline: None

Abstract: Minimum rates charged for timber have not been changed since 1979. The increased costs of preparing timber sales and the general increases in costs of logging and the price of timber have resulted in minimum rates that are disproportionately low. The action being considered is to increase minimum rates to account for inflationary increases since the rates were last changed. The agency is currently conducting statistical analysis of various rate increases and their impacts as a basis for developing this proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA73

210. SALE OF TIMBER WHERE TOTAL PUBLIC BENEFITS MAY NOT MEET OR MAY EXCEED TOTAL COSTS

Legal Authority: 16 USC 472a; 16 USC 475; 16 USC 616; 16 USC 1604; 16 USC 1613

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service has been developing an accounting system to accurately track the total public benefits and total cost of the timber sale program on each National Forest. The data generated by this new accounting system will provide a basis for monitoring the implementation of Forest Plans. This proposal would establish additional procedures for evaluation of the accounting data collected under the new Timber Sale Program Information Reporting System when projected costs appear to exceed the total public benefits of the program. Under the proposal, unless there are other overriding public values, the timber sale program would be adjusted to a point where the total public benefits equal the total cost of the sales program.

Timetable:

Action	Date	FR Cite
NPRM	01/15/89	
NPRM Comment Period End	02/15/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA74

211. ● 36 CFR 261 PROHIBITIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: These rules declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties. Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA75

212. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521c-i

CFR Citation: 36 CFR 254.35 (Revision); 36 CFR 254.41 (Revision)

Legal Deadline: None

Abstract: Application of the Act of January 12, 1983 (Small Tracts Act) has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Act. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA79

213. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251, SUBPART B TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472, 551, 1134, 3210; 30 USC 185; 43 USC 1740, 1761 to 1771

CFR Citation: 36 CFR 251.50; 36 CFR 251.51; 36 CFR 251.53; 36 CFR 251.54

Legal Deadline: None

Abstract: A Federal District Court recently ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights to free speech. The proposed rule will remove ambiguities regarding first amendment rights of assembly and free speech on National Forests.

Alternatives considered were: (1) no changes; (2) termination of all regulations concerning special use authorizations for large groups on the National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to regulate large group use on the National Forests, which in turn will protect the public health and safety, and protect National Forest resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16548
Interim Rule Effective	05/10/88	53 FR 16548
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA80

214. OIL AND GAS RESOURCES REGULATIONS

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228 Subpart E

Legal Deadline: None

Abstract: This subpart will set forth the rules by which the Forest Service will process and respond to the proposals received from the Department of the Interior for the issuance of mineral leases and approval of operations. These rules will describe how the Forest Service will consent to or not object to lease issuance, administer oil and gas operations, determine if a lessee or assignee may obtain future leases or assignments, and establish standards for reclamation and bonding, as required in the Federal Onshore Oil and Gas Leasing Reform Act of 1987. The Forest Service has no regulations at this time which could result in inconsistent administration. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	10/00/88	
Final Action	12/00/88	
Final Action Effective	01/15/89	
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA82

215. MODIFICATION OF TIMBER SALE DOWNPAYMENT REQUIREMENTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223

Legal Deadline: None

Abstract: There is a need to provide stronger incentives for purchasers of National Forest timber to complete their contracts on time. To help provide this incentive, the Department of Agriculture is proposing that the amount a purchaser deposits as downpayment on a timber sale not be available for credit to other uses until the last timber in the contract is harvested.

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	
NPRM Comment Period End	03/01/89	
Final Action	05/01/89	
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA83

216. TIMBER SALE FINANCIAL SECURITY

Significance: Regulatory Program

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.49

Legal Deadline: None

Abstract: Recent analysis of agency policies and procedures for ensuring the financial security of timber sale contracts has convinced the Forest Service that additional measures are needed. To assure more effective resource management and to better protect the public's financial interests in the sale of National Forest timber, the

agency is proposing to revise its policies and procedures as set forth in Chapter 2430 and 2450 of the Forest Service Manual. Specifically, the agency proposes to (1) eliminate the current ceiling on the required performance bond guarantee; (2) strengthen performance bond requirements by identifying (a) which actions are covered by the bond, (b) the extent of suretie's liabilities, (c) when surety is liable; (3) increase the bid guarantee to 10% of the advertised value; (4) assess damages in the amount of the bid guarantee or the difference between bid value and resale value; (5) establish the guidelines for determining purchaser's financial ability to operate the sale; (6) specify shorter contract periods; and (7) modify the basis for determination of default damages (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	
NPRM Comment Period End	03/01/89	
Final Action	06/01/89	
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: by using timber sale appraisal procedures.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA87

217. ● HELL'S CANYON NATIONAL RECREATION AREA - PRIVATE LANDS

Legal Authority: PL 94-199, sec 10a

CFR Citation: 36 CFR 292 E, (New)

Legal Deadline: None

Abstract: The USDA - Forest Service proposes to issue regulations concerning the use of private lands in the Hell's Canyon National Recreation Area (HCNRA) on the Oregon - Idaho border, as required in PL 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA. The standards are intended to achieve the following management objectives for the Recreation Area: (1) The conservation and continuance of forest land for forest uses and farm land for farm uses; (2) The maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) Conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) Preservation, especially in the area generally known as Hell's Canyon, of all features and peculiarities believed to be biologically unique; (5) Protection and maintenance of fish and wildlife habitat; (6) Protection of archaeological and paleontological sites; (7) Preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Interim Final Rule	04/00/89	
Final Action	05/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) Continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA88

218. ● PROPOSED SOLID WASTE DISPOSAL POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497; 43 USC 931c

CFR Citation: None

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period, authorizations would be amended to provide resource protection and limit the Government's potential liability. In situations where National Forest System lands provide the best location for solid waste disposal, land exchange and/or purchase will be considered. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources on National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	
NPRM Comment Period End	12/15/88	
Final Action	02/15/89	
Final Action Effective	03/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA92

219. ● IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service

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is proposing to issue Handbook direction that will require the bank president to certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	06/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA93

220. ● SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	02/00/89	
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Proposed Bond Form changes have been reviewed by surety industry in 1987. Another review is scheduled in August 1988. The Agency anticipates publishing a notice proposing bond form changes in January 1989.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA94

221. ● SETTLEMENT OF DEFAULTED TIMBER SALE CONTRACTS

Significance: Agency Priority

Legal Authority: 41 USC 601 to 613

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service has a tremendous backlog of defaulted timber sale contract cases as a result of nearly 2,000 defaults valued at close to $250 million in damages since 1982. In addition, there is the potential for another $200 million in damages as a result of contract defaults.

The Forest Service proposes to delegate authority to contracting officers to settle damage claims on defaulted contracts not in excess of $200,000 prior to litigation and to issue procedures to guide contracting officers in settling such claims. This direction will be issued as a directive to agency personnel in the Forest Service Manual, Chapter 6570.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	
Final Action	02/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA96

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS) **Final Rule Stage**

222. SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. The proposed policy is consistent with the current standards and establishes procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45889
NPRM Comment Period End	11/21/84	49 FR 45889
Final Policy	06/13/85	50 FR 24788
Request Comments on Final Policy	02/03/86	51 FR 4264
Revised Proposed Policy	09/25/87	52 FR 36075
Proposed Policy Public Comment Period End	11/00/87	

USDA—FS **Final Rule Stage**

Action	Date	FR Cite
Final Action	03/01/89	
Final Action Effective	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA43

223. DEFINITION OF COMMON VARIETY MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Section 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Section 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 Surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 15236
NPRM Comment Period End	06/27/88	53 FR 15236
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA44

224. APPEAL OF DECISIONS OF FOREST OFFICERS

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended, sec 1; 16 USC 551cc, 472, 33 Stat. 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. The regulation is being reviewed as required by EO 12291. The Forest Service recognizes the administrative appeal process as useful and worthwhile, and considers it to be a valuable tool in conducting business. However, there are opportunities to make the process more efficient and less burdensome on the public while maintaining a useful forum within which to administratively resolve conflict.

Timetable:

Action	Date	FR Cite
Begin Review	03/10/87	
ANPRM	06/11/87	52 FR 22348
ANPRM Comment Period End	07/13/87	
End Review	09/00/87	
NPRM	05/16/88	53 FR 17310
NPRM Comment Period End	07/15/88	
Final Action	01/15/89	
Final Action Effective	02/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AA51

225. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as amended by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System Lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	11/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA52

USDA—FS

Final Rule Stage

226. PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	01/00/89	
Final Action Effective	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The change in dates for final rule is necessitated by decision to await final report from National Academy of Sciences on "Guidelines for Paleontological Collecting." Report now received.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA56

227. NONCOMPETITIVE DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Sec 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Existing regulations allow noncompetitive sale of mineral materials not in excess of 100,000 cubic yards in any individual sale or 200,000 cubic yards in any one State for the benefit of any entity in any period of twelve consecutive calendar months. The proposal would give the Forest Service flexibility in meeting requests for noncompetitive sales of large amounts of mineral materials when public property, health, and safety are threatened or when competition is impractical. The proposal is similar to rules governing mineral material sales by the Bureau of Land Management. Interim rulemaking is sought to resolve a situation in California where the volume restriction for noncompetitive sales may interfere with a mining claimant's statutory rights regarding locatable minerals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/02/87	52 FR 10564
Final Action	12/00/88	
Final Action Effective	01/00/89	
Begin Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA60

228. ● SURETY REVOCATION PROCEDURES

Significance: Agency Priority

Legal Authority: 31 USC 9305

CFR Citation: None

Legal Deadline: None

Abstract: Since 1982 the Forest Service has experienced nearly 2,000 defaulted timber sale contracts which were overbid. Even though most of these defaulted contracts were secured with surety performance bonds, the Forest Service has had extreme difficulty collecting from some sureties on these defaulted contracts. The Forest Service issued an Interim Directive in 1987 revising and clarifying surety revocation procedures. The Forest Service now proposes to incorporate this interim directive, with minor changes, into its handbook on bonding, in the hopes of improving sureties' response to collection efforts.

Timetable:

Action	Date	FR Cite
Interim Final Rule (Interim Policy)	12/01/88	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA95

229. ● DEFERRAL OF PAYMENTS ON HIGH-PRICED TIMBER SALES

Significance: Agency Priority

Legal Authority: 16 USC 476

CFR Citation: None

Legal Deadline: None

Abstract: This policy will provide guidance to Contracting Officers in the exercise of their existing authorities to administer Forest Service timber sale contracts. Current law provides that Contracting Officers may make modifications on unexecuted portions of a contract that will not be injurious to the United States, and in the public interest. Under this policy, the terms of payment of high-priced sale bid after January 1, 1982 could be modified allowing the Government to defer an amount equal to the difference between the current average bid value for the Forest at time or modification, plus $50 and the average current contract value per thousand board feet. The difference between the average bid value and the current contract value will be paid with interest, over a 5-year period under the terms of a fully secured promissory note. This policy has been developed in concert with the Bureau of Land Management.

USDA—FS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Policy	08/22/88	53 FR 31962
Interim Policy Effective	09/01/88	
Interim Policy Public Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA97

230. ● MARKET-RELATED CONTRACT TERM ADDITIONS

Significance: Agency Priority

Legal Authority: 16 USC 472a, 90 Stat. 2958; 16 USC 618, 98 Stat. 2213

CFR Citation: 36 CFR 223, Subpart B

Legal Deadline: None

Abstract: This rule permits additions to National Forest timber sale contract terms when there is a drastic reduction in wood product prices. A drastic reduction in wood product prices occurs when, for two consecutive calendar quarters after contract award, the applicable adjusted producer price index is less than 80 percent of the average of such index for the 4 highest of the 8 calendar quarters immediately prior to the qualifying quarter. No more than twice the original contract length or 3 years, whichever is less, shall be added to a contract's term by market-related contract term additions. In no event will the revised contract term exceed 10 years.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43020
NPRM Comment Period End	02/19/88	53 FR 00544
Final Action	11/01/88	
Final Action Effective	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA98

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS) **Completed Actions**

231. ENTRANCE INTO PETERSBURG WATERSHED

CFR Citation: 36 CFR 251.35

Completed:

Reason	Date	FR Cite
Final Action	07/04/88	53 FR 26594
Final Action Effective	08/15/88	53 FR 26594

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA23

232. USE RESTRICTIONS OF NATIONAL FOREST LANDS FOR THE PROTECTION OF MUNICIPAL WATER SUPPLIES

CFR Citation: 36 CFR 251.9

Completed:

Reason	Date	FR Cite
Final Action	07/22/88	53 FR 27682
Final Action Effective	07/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA34

233. CONTROL OF SKEWED BIDDING ON NATIONAL FOREST TIMBER SALES

CFR Citation: 36 CFR 223.89

Completed:

Reason	Date	FR Cite
Final Action	07/01/88	53 FR 25522
Final Action Effective	08/01/88	53 FR 25522

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA37

234. 36 CFR 262 LAW ENFORCEMENT SUPPORT ACTIVITIES

CFR Citation: 36 CFR 262

Completed:

Reason	Date	FR Cite
End Review	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA65

235. FREE USE TO ALASKAN SETTLERS, MINERS, RESIDENTS AND PROSPECTORS

CFR Citation: 36 CFR 223.10

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA69

236. INCREASED DOWNPAYMENTS FROM TIMBER SALE PURCHASERS WITH A HISTORY OF DEFAULTS; AND DETERMINATION OF PURCHASER RESPONSIBILITY

CFR Citation: 36 CFR 223.49, (Revised)

Completed:

Reason	Date	FR Cite
Final Action	08/30/88	53 FR 33126
Final Action Effective	09/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA70

237. REVISE 36 CFR 223.178 REGARDING RELEASE OF CLAIMS AGAINST THE GOVERNMENT ON SALES OFFERED FOR GOVERNMENT BUYOUT

CFR Citation: 36 CFR 223.178

Completed:

Reason	Date	FR Cite
Final Action	04/27/88	53 FR 15035
Final Action Effective	04/27/88	53 FR 15035

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA71

238. REVIEW OF DECISIONS TO TERMINATE RECREATION RESIDENCE PERMITS

CFR Citation: 36 CFR 211.18(b)

Completed:

Reason	Date	FR Cite
Final Action	08/16/88	53 FR 30924
Final Action Effective	08/31/88	53 FR 30924

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA72

239. 36 CFR 261 PROHIBITIONS

CFR Citation: 36 CFR 261

Completed:

Reason	Date	FR Cite
End Review	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA75

240. ADMINISTRATION OF EASEMENTS FOR WATER CONVEYANCE SYSTEMS

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn - was incorrectly listed in April 1988 agenda	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA78

241. APPEAL OF DECISIONS TO REOFFER RETURNED OR DEFAULTED TIMBER SALES ON NATIONAL FORESTS

CFR Citation: 36 CFR 211.17

Completed:

Reason	Date	FR Cite
This RIN is being incorporated in RIN 0596-AA51	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA84

242. LUMBER PRICE INDEX TRENDS

Significance: Agency Priority

CFR Citation: 36 CFR 223.64

Completed:

Reason	Date	FR Cite
Final Action	08/11/88	53 FR 30324
Final Action Effective	08/11/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA86

DEPARTMENT OF AGRICULTURE (USDA)

Packers and Stockyards Administration (P&SA)

Proposed Rule Stage

243. ANNUAL REPORTS

Significance: Agency Priority

Legal Authority: PL 100-173; 7 USC 228

CFR Citation: 9 CFR 201.97

Legal Deadline: None

Abstract: The law provides for a live poultry dealer trust for the benefit of all unpaid cash sellers or poultry growers and requires prompt payment for the sale or delivery of poultry. Administrative enforcement authority is provided for the poultry trust and prompt payment provisions. Amendment to present regulations will be required to implement the new provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26082
NPRM Comment Period End	09/09/88	
NPRM Public Comment Period Extended	11/08/88	53 FR 32624

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039, South Building, Washington, DC 20250-2800, 202 447-7063

RIN: 0590–AA04

DEPARTMENT OF AGRICULTURE (USDA)
Packers and Stockyards Administration (P&SA)

Final Rule Stage

244. SCALES; ACCURATE WEIGHTS, REPAIRS, ADJUSTMENTS OR REPLACEMENTS AFTER INSPECTION

Significance: Agency Priority

Legal Authority: 7 USC 228

CFR Citation: 9 CFR 201.71(a)

Legal Deadline: None

Abstract: This action is necessary to incorporate the 1988 edition of National Bureau of Standards (NBS) Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices," which contains a new scale code adopted by the National Conference on Weights and Measures. This change will make the requirements of the Packers and Stockyards Administration uniform with those applied by State and local weights and measures jurisdictions. The current regulation incorporates the 1983 edition of Handbook 44.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27700
NPRM Comment Period End	09/20/88	
Final Action	10/20/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039, South Building, Washington, DC 20250-2800, 202 447-7063

RIN: 0590–AA05

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Proposed Rule Stage

245. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec 8; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA01

246. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of Federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA12

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Final Rule Stage

247. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1986; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA00

248. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

USDA—SCS

Final Rule Stage

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, PL 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	
Final Action Effective	12/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578–AA14

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Completed Actions

249. PRIME AND UNIQUE FARMLANDS

CFR Citation: 7 CFR 657.1 to 657.5

Completed:

Reason	Date	FR Cite
Final Action	01/31/78	43 FR 4031

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wayne Maresch 202 447-4811

RIN: 0578–AA10

250. PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS

Significance: Agency Priority

CFR Citation: 7 CFR 656, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	02/11/88	53 FR 4006
Final Action Effective	02/11/88	53 FR 4006

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne F. Maresch 202 447-4811

RIN: 0578–AA13

[FR Doc. 88-20659 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VIII, IX

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. II, III, VI, VII

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: October 1988 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1988 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's October 1988 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1988 through September 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-8843.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed E.O. 12291. The E.O. requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 88-15, issued June 24, 1988 establishes guidelines and procedures for the preparation and publication of the October 1988 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: The title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law or Executive Order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the Economic Development Administration, the International Trade Administration, the National Bureau of Standards, and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards (NBS) under Pub. L. 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. These FMPs regulate domestic and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishing management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs, or amendments to FMPs, for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the

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draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC October 1988 regulatory agenda follows.

Dated: August 12, 1988.

Robert H. Brumley,

General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
251	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
252	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13
253	Program Fraud Civil Remedies	0690-AA14

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
254	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06
255	Public Information	0690-AA15
256	Privacy Act	0690-AA16

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
257	Increase in Exemption Level of Annual Survey of Foreign Direct Investment in the United States (Form BE-15) Conducted by BEA	0691-AA14

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
258	Implementation of Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons	0691-AA10
259	Change in Exemption for Foreign Ocean Carriers' Expenses Survey Conducted by BEA -- Annual Report Form BE-29	0691-AA13

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
260	Increase in Exemption Levels for Quarterly Foreign Direct Investment Surveys Conducted by BEA -- Forms BE-605 and 606B	0691-AA12

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Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
261	Foreign Trade Statistics Regulations	0607-AA10

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
262	General Requirements for Financial Assistance -- Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
263	Economic Development Administration: Property Management Standards	0610-AA07
264	Property Management Standards -- Mortgages	0610-AA12
265	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
266	Overall Economic Development Program Public Works and Development Facilities Program	0610-AA19
267	Designation of Areas; Designation of PWIP Areas	0610-AA21
268	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
269	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
270	General Requirements for Financial Assistance -- Nonrelocation	0610-AA32
271	General Requirements for Financial Assistance - Project Modification	0610-AA33
272	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
273	Liability for Hazardous Substances Associated with EDA Loans and Loan Guarantees	0610-AA36
274	Adjustment Grants - Revolving Loan Funds	0610-AA37
275	Economic Development Districts, District Organization; Civil Rights Requirements	0610-AA38
276	Area Designation - Special Impact Areas	0610-AA39
277	Public Works - Industrial Parks and Sites	0610-AA40

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
278	General Requirements for Financial Assistance -- Flood Insurance Program; and Environmental Requirements	0610-AA16

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
279	Uniform Administrative Requirements for Grants to Governments and Nongovernmental Entities	0605-AA04

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
280	Nonprocurement Debarment and Suspension	0605-AA02

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International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
281	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
282	Annual Watch Quota Allocations	0625-AA25
283	Antidumping and Countervailing Duties; Modifications	0625-AA26
284	Defense Priorities and Allocations System (DPAS)	0625-AA28

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
285	Adjustment Assistance for Firms and Industries	0625-AA05
286	Antidumping Duties; Countervailing Duties	0625-AA08
287	Sanctions for Violation of Antidumping and Countervailing Duty Protective Orders	0625-AA24

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
288	Export Trade Certificates of Review	0625-AA27

Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
289	Revisions to Short Supply Regulations	0694-AA01

National Institute of Standards & Technology—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
290	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
291	FIPS for C Programming Language	0693-AA48
292	FIPS for Recorded Magnetic Tape Cartridge for Information Interchange; 4-Track, Serial, 0.250 in (6.30 mm), 6400 bpi (252 bpmm) Inverted Modified Frequency Modulation Encoded	0693-AA51
293	FIPS for Serial Recorded Magnetic Tape Cartridge for Information Interchange; Four and Five Track, 0.250 in (6.30 mm) 8000 bpi (315 bpmm) Streaming Mode Group Code Recording	0693-AA52
294	FIPS for One-Half Inch Magnetic Tape Interchange Using a Self Loading Cartridge	0693-AA53
295	FIPS for Recorded Formats for One and Two-Sided 5.25 Inch (130 mm) and 3.5 Inch (90 mm) Flexible Disk Cartridges	0693-AA54
296	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
297	FIPS for Device Level Interface for Streaming Cartridge and Cassette Tape Drives	0693-AA57
298	FIPS for Electronic Business Data Exchange	0693-AA62
299	Extensions to FIPS 127, Database Language SQL	0693-AA63
300	FIPS for Applications Portability Profile	0693-AA65
301	FIPS for Conformance Testing Policy and Procedures	0693-AA66
302	FIPS for Document Application Profile	0693-AA67
303	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard	0693-AA68

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National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
304	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
305	FIPS for Standard Generalized Markup Language (SGML)	0693-AA50
306	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
307	FIPS for Programmer's Hierarchical Interactive Graphics System (PHIGS)	0693-AA64

National Institute of Standards & Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
308	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44
309	FIPS for Portable Operating System Environments (POSIX*)	0693-AA49
310	FIPS for Government Open Systems Interconnection Profile	0693-AA61

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
311	Marine Fishery User Fees	0648-AB93
312	Amendment 1 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AC16
313	Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries	0648-AC19
314	Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan	0648-AC43
315	Bluefish Fishery Management Plan	0648-AC51
316	Regulatory Amendment To Institute a Certification Program for the Importation of Whole Undersized Atlantic Groundfish	0648-AC60
317	Licensing of Private Remote Sensing Space Systems	0648-AC64

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
318	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom etc	0648-AA46
319	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
320	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Regulatory Amendment	0648-AB51
321	Resubmitted Portion of Amendment 1 to the American Lobster Fishery Management Plan	0648-AB89
322	Amendment 1 to the Swordfish FMP	0648-AB92
323	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
324	Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC15
325	Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC17
326	Implementation of Conditionally Approved Measures Under Amendment 1 to the Spiny and Slipper Lobster FMP in the Gulf of Mexico and South Atlantic - Permits and Bag Limits	0648-AC25
327	Amendment 2 to the Northeast Multispecies Fishery Management Plan	0648-AC26
328	Fish and Seafood Promotion Act of 1986	0648-AC27
329	Amendment 3 to the American Lobster Fishery Management Plan	0648-AC28
330	Amendment 2 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic	0648-AC29
331	Foreign Fishing Poundage and Permit Fees, 1989	0648-AC30
332	Amendment 12 to the FMP for Groundfish of the Bering Sea and Aleutian Islands area	0648-AC32
333	Fishery Management Plan for King and Tanner Crab in the Bering Sea and Aleutian Islands	0648-AC34
334	Reporting Requirements Governing Salmon Taken Off Alaska and Delivered or Landed Outside Alaska	0648-AC39
335	Atlantic Tuna Fisheries - Regulatory Amendment	0648-AC40
336	Regulatory Amendment to the Fishery Management Plan for the Atlantic Swordfish Fishery	0648-AC41
337	Amendment 17 to the FMP for Groundfish of the Gulf of Alaska	0648-AC42

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National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
338	Amendment 3 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AC44
339	Regulatory Amendment to Designate Special Fishing Areas in the Snapper-Grouper Fishery of the South Atlantic	0648-AC48
340	Amendment 9 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California	0648-AC49
341	Amendment 1 to the Fishery Management Plan for the Snapper- Grouper Fishery of the South Atlantic	0648-AC50
342	Amendment 4 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC55
343	Regulatory Amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico - The Tortugas Sanctuary	0648-AC56
344	Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 East Longitude - Regulatory Amendment	0648-AC57
345	Amendment 3 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico	0648-AC58
346	Regulatory Amendment To Clarify Trip Limit Regulations for the Pacific Coast Groundfish and Salmon Fisheries	0648-AC59
347	Scientific Research - Domestic and Foreign Fishing	0648-AC61
348	Implementation of PL 99-659 and Other Recommendations To Improve the Fishery Management System - The Conservation Standard	0648-AC62
349	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
350	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
351	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
352	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
353	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
354	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
355	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
356	Proposed Regulations for the Point Reyes-Farallon Islands National Marine Sanctuary	0648-AC05
357	Proposed Regulations for the National Marine Sanctuary Program	0648-AC53
358	Proposed Regulations for the Monterey Bay National Marine Sanctuary	0648-AC63
359	National Sea Grant Program Funding Regulations	0648-AC54

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
360	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
361	U.S. General Standards for Grades of Shrimp	0648-AA47
362	Implementation of PL 59-659 and Other Recommendations To Improve the Fishery Management System - Council Operations	0648-AB09
363	Foreign Fishing - Scientific Research	0648-AB23
364	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
365	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
366	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
367	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
368	U.S. Standards for Grades of Fish Fillets	0648-AC12
369	Fishery Management Plan for Atlantic Billfishes	0648-AC24
370	Regulatory Amendment to Require Reporting of Pacific Coast Groundfish Landing to States	0648-AC31
371	Policy to Require Observers to be Carried on Domestic Fishing Vessels	0648-AC45
372	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
373	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
374	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
375	Amendment 2 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB83
376	Groundfish of the Gulf of Alaska - Amendment 16 and Groundfish of the Bering Sea and Aleutian Islands Area - Amendment 11a	0648-AB98
377	Taking of Marine Mammals Incidental to Underwater Tests by the Department of the Navy	0648-AC08

DOC

National Oceanic and Atmospheric Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
378	Amendment 2 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AC10
379	Amendment to Regulation Providing for Allocation of Pacific Halibut Among Domestic Fishermen	0648-AC20
380	Amendment 1 to the Fishery Management Plan for the Precious Coral Fishery of the Western Pacific Region	0648-AC33
381	Regulatory Amendment to Prohibit Landings of Undersize Red Snapper in the Reef Fish Fishery of the Gulf of Mexico	0648-AC36
382	Implementation of Conditionally Approved Measures Under Amendment to the Spiny and Slipper Lobster FMP in the Gulf of Mexico and South Atlantic - Trap Removal	0648-AC37
383	Amendment 2 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico	0648-AC38
384	Regulatory Amendment Modifying the Boundary of the Texas Seasonal Closure of the Shrimp Fishery of the Gulf of Mexico for 1988	0648-AC46
385	Regulatory Amendment Revising the Final Regulations Implementing the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC47
386	Interjurisdictional Fisheries	0648-AC52

Office of Productivity, Technology and Innovation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
387	Administration of a Uniform Patent Policy with Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

Office of Productivity, Technology and Innovation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
388	Licensing of Government-Owned Inventions	0692-AA04

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
389	Deposit of Biological Materials for Patent Purposes	0651-AA13
390	Trademark Automated Search System Fees	0651-AA18
391	Trademark Applications Pursuant to 15 USC 1126	0651-AA23
392	Duty of Disclosure - Information Disclosure Statement	0651-AA27
393	Revision of Patent Fees	0651-AA30
394	Requests for Reconsideration in Patent and Trademark Office Disciplinary Proceedings	0651-AA33
395	Miscellaneous Changes in Patent Practice	0651-AA34
396	Amendments of Patent and Trademark Rules Concerning Judicial Review of Decisions	0651-AA35
397	Amendments of Trademark Rules Governing Inter Partes Proceedings; Miscellaneous Amendments of Other Trademark Rules	0651-AA36
398	Requirements for Patent Applications Containing DNA/RNA and Protein Sequence Disclosures	0651-AA37

DOC

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
399	Requests for Identifiable Records	0651-AA04
400	Variety Denomination Requirements for Plant Patent Applications	0651-AA12
401	Practice Before the Patent and Trademark Office	0651-AA31
402	Miscellaneous Changes in Patent Practice	0651-AA32

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
403	Miscellaneous Amendments of Patent Rules	0651-AA25
404	Requests for Presidential Proclamations under the Semiconductor Chip Protection Act	0651-AA29

United States Travel and Tourism Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
405	Travel Promotion Fee	0644-AA00

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

251. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-5750

RIN: 0690–AA08

252. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street and

Constitution Ave., NW, Washington, DC 20230, 202 377-5750

RIN: 0690–AA13

253. PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 15 CFR 25

Legal Deadline: None

Abstract: This rule, if promulgated, would implement the Program Fraud Civil Remedies Act of 1986 which authorizes the Department of Commerce (and certain other Federal agencies) to impose through administrative adjudication civil penalties and assessments against persons making false claims or statements to it.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry Walz, Chief, Contract Law Division, Room 5893, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-1122

RIN: 0690–AA14

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Completed Actions

254. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Legal Deadline: None

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	49 FR 45861
Final Action	05/27/88	53 FR 19270
Final Action Effective	07/26/88	53 FR 19270

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690–AA06

255. PUBLIC INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: None

Abstract: The existing regulations implementing the Freedom of Information Act are being revised to incorporate changes in the Department's policies and procedures affecting FOIA administration. Additionally, the revision adopts the provisions of EO 12600, Predisclosure Notification Procedures for Confidential Information, dated June 23, 1987. Section 4.9 of the regulations was completed on July 17, 1987, 52 FR 26951, to comply with the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15327
NPRM Comment Period End	06/12/87	52 FR 15327
Final Action	03/04/88	53 FR 6972
Final Action Effective	04/04/88	53 FR 6972

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-3630

RIN: 0690–AA15

256. PRIVACY ACT

Legal Authority: 5 USC 552a

CFR Citation: 15 CFR 4b

Legal Deadline: None

Abstract: The existing regulations implementing the Privacy Act are being revised to reflect the centralization of the administrative appeals process. Current regulations assign final decisionmaking authority within the same component making the initial decision. Centralization within the Office of General Counsel would promote enhanced objectivity in the Department's final administrative decisions on Privacy Act requests.

Timetable:

Action	Date	FR Cite
NPRM	03/30/88	53 FR 10256
Final Action	07/12/88	53 FR 26235
Final Action Effective	08/11/88	53 FR 26235

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-3630

RIN: 0690–AA16

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

257. INCREASE IN EXEMPTION LEVEL OF ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES (FORM BE-15) CONDUCTED BY BEA

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will raise the exemption level for Form BE-15 (Annual Survey of Foreign Direct Investment in the United States) from $10 million to $20 million. The purpose of the action is to bring the exemption level into conformance with that for Form BE-12 (LF) of the Benchmark Survey of Foreign Direct Investment in the United States-1987. As a result of the action, the number of reports filed by U.S. companies will be significantly reduced, thereby reducing both reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, **202 523-0659**

RIN: 0691–AA14

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Final Rule Stage

258. IMPLEMENTATION OF ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action will amend 15 CFR 801 by adding rules to implement a new annual follow-on survey to the BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. The criteria for determining who must report are the same on the proposed BE-22 as on the BE-20. The BE-22 will cover the same type of services as the BE-20, but will collect significantly less detail for several types, namely sales of advertising, computer and data processing, and data base and other information services, and both sales and purchases of telecommunications services. Data from the annual survey will be used to derive universe estimates of covered services transactions in nonbenchmark years, thus updating the data collected in the benchmark survey. The first year of coverage will be 1987; the survey will not be taken for a year covered by the benchmark survey.

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	53 FR 23124
NPRM Comment Period End	08/04/88	53 FR 23124
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $330,000; Yearly Recurring Cost: $330,000; Base Year for Dollar Estimates: 1988

Agency Contact: Betty L. Barker, Chief, International Investment Div., Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, **202 523-0659**

RIN: 0691–AA10

259. CHANGE IN EXEMPTION FOR FOREIGN OCEAN CARRIERS' EXPENSES SURVEY CONDUCTED BY BEA -- ANNUAL REPORT FORM BE-29

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will change the exemption for annual report Form BE-29 (Foreign Ocean Carriers' Expenses in the United States). An exemption based on number of calls by foreign carriers will be added and the exemption level based on the value of reportable transactions will be lowered. The change will more accurately identify persons with significant reportable transactions. This action will also place a limit on the number of reports required for certain kinds of carriers. As a result of this action, the number of reporters and number of reports filed by respondents will be reduced, thereby reducing both reporting and processing burdens.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 26603
NPRM Comment Period End	08/29/88	53 FR 26603
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony J. DiLullo, Assistant Chief, Department of Commerce, Bureau of Economic Analysis, Balance of Payments Division, Washington, DC 20230, **202 523-0621**

RIN: 0691–AA13

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

260. INCREASE IN EXEMPTION LEVELS FOR QUARTERLY FOREIGN DIRECT INVESTMENT SURVEYS CONDUCTED BY BEA -- FORMS BE-605 AND 606B

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will raise the exemption levels for quarterly report Forms BE-605 (Transactions of U.S. Affiliates, Except an Unincorporated Bank, with Foreign Parent) and BE-606B (Transactions of U.S. Banking Branch or Agency with Foreign Parent) from $15 million to $20 million. The purpose of the action is to bring the exemption levels into conformance with those for Form BE-12 (LF) of the Benchmark Survey of Foreign Direct Investment in the United States -- 1987. As a result of the action, the number of reports filed by U.S. companies will be significantly reduced, thereby reducing both reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	02/16/88	53 FR 04420
NPRM Comment Period End	04/01/88	
Final Action	04/28/88	53 FR 15197
Final Action Effective	05/31/88	53 FR 15198

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691-AA12

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

261. FOREIGN TRADE STATISTICS REGULATIONS

Significance: Regulatory Program

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None
Deadline is contingent upon legislation not yet passed.

Abstract: Review of CFR 30 for changes to conform with the new statistical classification (harmonized) system for imports and exports. This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including metric measurements) and conformance of reporting with current practices.

There should be no added burden or cost placed on the public because no additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between the trade balances of the U.S. and of our major trading partners.

Once the legislation is passed, there is no alternative to making these changes in order to implement the legislation. Additionally, Section 30.24 will be revised to be consistent with Customs Regulations by eliminating the "four day rule" regarding submission of "Shipper's Export Declarations."

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5342

RIN: 0607-AA10

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

262. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development

Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA05

263. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds are being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA07

264. PROPERTY MANAGEMENT STANDARDS -- MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA12

265. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	11/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, 202 377-5441

RIN: 0610–AA18

266. OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	03/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA19

267. DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: 13 CFR 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" is amended at paragraph (a)(4) to delete reference to submission of an Overall Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24302
Final Action	01/00/89	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA21

268. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: 13 CFR 309 at Sec 309.2 entitled "Unfair Competition" has been amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $25,000. Also, the unfair competition exceptions have been expanded to apply to all EDA financial assistance programs. Certain projects are exempt from "702 Study" requirements and the definition of retention of capacity and employment has been changed by deleting the word "existing."

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/86	51 FR 16292
Final Action	03/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA22

269. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA31

270. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48 month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/87	52 FR 21932
Final Action	11/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA32

271. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - PROJECT MODIFICATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

DOC—EDA

Final Rule Stage

CFR Citation: 13 CFR 309.26

Legal Deadline: None

Abstract: The purpose of this amendment is to conform the statement of EDA's policy on project modification to guidelines established by the General Accounting Office on change of scope, by putting into regulatory language, that which has been actual EDA practice. The rule change provides standards and states that EDA will not allow project modification which would constitute a change of scope.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/87	51 FR 37175
Final Action	12/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA33

272. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by: (1) enabling EDA to acquire liens in property purchased or improved with EDA grant funds; and (2) once EDA has such ownership rights in property, by enabling EDA to expend funds to protect and care for such property, including liquidation, litigation or any other necessary action. The latter regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds. The Department of Commerce Legislative Program for the Second Session of the 100th Congress includes the submission of appropriate legislation to the Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	
Final Action	02/00/89	
Final Action Effective	02/00/89	
Proposed Legislation	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA35

273. LIABILITY FOR HAZARDOUS SUBSTANCES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from hazardous substances on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/88	
Final Action	11/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA36

274. ADJUSTMENT GRANTS - REVOLVING LOAN FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: This would amend EDA's rule on adjustment grants to provide that revolving loan fund (RLF) grants are held in trust by the grantee as trustee for the benefit of borrowers and potential borrowers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/88	53 FR 12510
Final Action	11/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Acting Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA37

275. ● ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

DOC—EDA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/89	
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert Hoover Bldg., 14th St. Between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA38

276. ● AREA DESIGNATION - SPECIAL IMPACT AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: EDA is deleting its 12-month annual average unemployment rate based upon the calendar year, for Special Impact Area (SIA) designation. Under the current calendar year qualifier, it would be possible that an area's qualifying calendar 1987 average rate could be used in support of its SIA designation as late as February 1989 regardless of a subsequently available, non-qualifying 12-month (non-calendar) rate. This could happen since 1988 calendar year average rates for areas will not be computed by state employment security agencies until February 1989, and EDA will not receive such data until March 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	
Final Action	02/00/89	
Final Action Effective	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA39

277. ● PUBLIC WORKS - INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; Department of Commerce - Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	
Final Action	02/00/89	
Final Action Effective	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA40

DEPARTMENT OF COMMERCE (DOC) — Completed Actions

Economic Development Administration (EDA)

278. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE – FLOOD INSURANCE PROGRAM; AND ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.15; 13 CFR 309.18

Legal Deadline: None

Abstract: This rule amends EDA's regulation at 13 CFR 309.15 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA). It also updates environmental regulations at 13 CFR 309.18.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/86	51 FR 23042
Final Action	04/22/88	53 FR 13252
Final Action Effective	06/25/88	53 FR 13252

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA16

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Proposed Rule Stage

279. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO GOVERNMENTS AND NONGOVERNMENTAL ENTITIES

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: This action states the administrative requirements governing grants to governments and nongovernmental entities. It is intended to simplify and standardize the Federal grant process and eliminate redundant and inconsistent administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, Office of Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA04

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Completed Actions

280. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: To eliminate duplicative and inconsistent debarment and suspension actions across the government. Private actions or actions by other levels of government would lack broad enough jurisdiction. This regulation will benefit the U.S. by eliminating duplicative and costly actions. Benefits have not been quantified at this time.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/21/87	52 FR 39021
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA02

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

281. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 7151
NPRM Comment Period End	04/19/83	48 FR 7188

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA04

282. ANNUAL WATCH QUOTA ALLOCATIONS

Legal Authority: PL 97-466, Sec 110 (1983); 19 USC 1202 general headnote 3(a)

CFR Citation: 15 CFR 303

Legal Deadline: None

Abstract: The regulation allocates watch quotas on an annual basis, in compliance with the requirements of the statute and regulations. Program issues allocations no later than March 1 of each year, under section 303.6(b) of the regulations.

Timetable:

Action	Date	FR Cite
Proposed allocation of watches	10/00/88	

DOC—ITA

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Rm. 1523, Washington, DC 20230, 202 377-1660

RIN: 0625–AA25

283. ANTIDUMPING AND COUNTERVAILING DUTIES; MODIFICATIONS

Legal Authority: 19 USC 1303; 19 USC 1516a; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: As appropriate, the ITA will amend the current regulations in effect at the time of enactment of modifications in the statutory authority for imposing antidumping and countervailing duties, if such legislation is enacted in 1988 or 1989.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA26

284. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC 2061 et seq; EO 10480

CFR Citation: 15 CFR 350

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 377-3634

RIN: 0625–AA28

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

285. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Additional Information: Further action on this regulation is under study by the Department.

Agency Contact: John F. Mizroch, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625–AA05

286. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions will replace the entire text of 19 CFR 353 and 355.

Timetable:

Action	Date	FR Cite
NPRM CVD Regulations	06/10/85	50 FR 29225
NPRM Comment Period End CVD Regulations	09/09/85	50 FR 32088
NPRM AD Regulations	08/13/86	51 FR 29046

DOC—ITA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End AD Regulations	09/30/86	
Final Action CVD Regulations	09/30/88	
Final Action AD Regulations	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA08

287. SANCTIONS FOR VIOLATION OF ANTIDUMPING AND COUNTERVAILING DUTY PROTECTIVE ORDERS

Significance: Regulatory Program

Legal Authority: 19 USC 1677

CFR Citation: 19 CFR 353; 19 CFR 354; 19 CFR 355

Legal Deadline: None

Abstract: The ITA will add a new part 354 to the antidumping (part 353) and countervailing duty (part 355) regulations that establishes procedures for imposing sanctions against an individual, firm or other entity that violates the terms of an administrative protective order issued under 19 USC 1677. We will make conforming changes in Parts 353 and 355.

Timetable:

Action	Date	FR Cite
NPRM	07/06/87	52 FR 25246
NPRM Comment Period End	09/04/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625–AA24

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Completed Actions

288. EXPORT TRADE CERTIFICATES OF REVIEW

Significance: Agency Priority

Legal Authority: 15 USC 4020

CFR Citation: 15 CFR 325

Legal Deadline: None

Abstract: No changes are required in the regulations at this time.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56972
Interim Final Rule	03/11/83	48 FR 10596
Final Action	01/08/85	50 FR 1804

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: George Muller, Deputy Director, Office of Export Trading Company Affairs, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, 202 377-5131

RIN: 0625–AA27

DEPARTMENT OF COMMERCE (DOC)
Export Administration (EA)

Final Rule Stage

289. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, Export Administration, Office of Technology and Policy Analysis, Room 1604, Washington, DC 20230, 202 377-4531

RIN: 0694–AA01

DEPARTMENT OF COMMERCE (DOC) **Proposed Rule Stage**

National Institute of Standards & Technology (NIST)

290. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA38

291. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA48

292. FIPS FOR RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; 4-TRACK, SERIAL, 0.250 IN (6.30 MM), 6400 BPI (252 BPMM) INVERTED MODIFIED FREQUENCY MODULATION ENCODED

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA51

293. FIPS FOR SERIAL RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; FOUR AND FIVE TRACK, 0.250 IN (6.30 MM) 8000 BPI (315 BPMM) STREAMING MODE GROUP CODE RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA52

294. FIPS FOR ONE-HALF INCH MAGNETIC TAPE INTERCHANGE USING A SELF LOADING CARTRIDGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (ANSI X3.85-1981) which provides the requirements and test methods necessary to ensure physical interchange of a self loading cartridge

to be used with 1/2 inch wide magnetic tape.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA53

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295. FIPS FOR RECORDED FORMATS FOR ONE AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 INCH (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA54

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296. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA55

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297. FIPS FOR DEVICE LEVEL INTERFACE FOR STREAMING CARTRIDGE AND CASSETTE TAPE DRIVES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (ANSI X3.146-1986) that specifies the interface between streaming cartridge and cassette tape drives, and small computer systems. This standard will facilitate the acquisition of cartridge and cassette tape drives made by different manufacturers, expand the Federal Government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA57

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298. FIPS FOR ELECTRONIC BUSINESS DATA EXCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: A group of voluntary industry standards that will facilitate computer-to-computer interchange of procurement data will be adopted as FIPS. Developed by Accredited Standards Committee X12, the standards will provide standard data elements, formats, and contents of electronic messages containing procurement-related information. These standards will reduce paperwork, improve productivity, and enable more effective information and inventory management.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA62

299. EXTENSIONS TO FIPS 127, DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: The proposed extensions will adopt American National Standards (both currently draft standards) to the SQL language for relational databases. One proposal (Draft Addendum ISO 9075/DAD 1) provides features for assuring the correctness of data that is organized in SQL databases. The other proposal specifies interfaces between SQL and other programming languages including Ada, C, COBOL, FORTRAN, PASCAL, and PL/I. Use of these extensions will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA63

300. ● FIPS FOR APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide an architectural approach to applications portability, and will include standard elements that can be used to develop and maintain portable applications. Components of the profile will include database management, data interchange, network services, user interfaces, and programming languages.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA65

301. ● FIPS FOR CONFORMANCE TESTING POLICY AND PROCEDURES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will specify the policy and procedures for conformance test methods, for conformance testing of implementations of FIPS, and for certifying those implementations that comply with the FIPS requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29249
NPRM Comment Period End	11/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA66

302. ● FIPS FOR DOCUMENT APPLICATION PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers' equipment to be interchanged between systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA67

303. ● REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications, and new policies for testing for conformance to the standard.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA68

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Institute of Standards & Technology (NIST)

304. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA39

305. FIPS FOR STANDARD GENERALIZED MARKUP LANGUAGE (SGML)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an International Standard ISO/DIS 8879 (currently a draft standard) which standardizes the application of generic coding and generalized markup concepts for documents that are processed by text processing and word processing systems. It provides a coherent and unambiguous syntax for describing what a user chooses to identify within a document. Use of this standard will facilitate the interchange of documents among systems with differing text processing languages and the processing of documents by more than one application, when applications use the same text processing language.

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41609
NPRM Comment Period End	01/27/88	52 FR 41609
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA50

306. REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/19/87	52 FR 44462
NPRM Comment Period End	02/17/88	52 FR 44462
Final Action	12/00/88	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA59

307. FIPS FOR PROGRAMMER'S HIERARCHICAL INTERACTIVE GRAPHICS SYSTEM (PHIGS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt the American National Standard Programmer's Hierarchical Interactive Graphics System (ANSI X3.144-198X). This standard will improve the portability of graphics application programs among different manufacturers' computer systems and will help agencies make more effective use of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7957
NPRM Comment Period End	06/09/88	53 FR 7957
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA64

DEPARTMENT OF COMMERCE (DOC)

National Institute of Standards & Technology (NIST)

Completed Actions

308. FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite
Withdrawn - not needed to meet government requirements	08/24/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA44

309. FIPS FOR PORTABLE OPERATING SYSTEM ENVIRONMENTS (POSIX*)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a draft Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System for Computer Environments (IEEE 1003.1/POSIX*). This standard, on an interim basis, will facilitate the interchange of computer programs between UNIX operating system derived environments and make it possible to increase the productivity of staff members who develop and document computer programs for these systems. When final specifications have been completed by the IEEE Standards Committee, a revision to this standard will be proposed to adopt the completed specifications.

POSIX is a trademark of IEEE

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15268
NPRM Comment Period End	05/31/88	53 FR 15268
Final Action	09/12/88	53 FR 35224

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA49

310. FIPS FOR GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a procurement specification developed by the Government Open Systems Interconnection Users Group. The specification will enable the Federal Government to acquire computer network systems that conform to national and international standards for OSI. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	10/28/87	52 FR 41488
NPRM Comment Period End	01/26/88	52 FR 41488
Final Action	08/24/88	53 FR 32270
Final Action Effective	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA61

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

311. MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation permits and stamps, and from an assessment on landing or delivery of fish for commercial purposes. Administration costs are estimated to be $7,500,000 annually, with net Federal revenues of approximately $40 million.

Timetable:

Action	Date	FR Cite
Next steps depend on Congressional action	00/00/00	

Small Entities Affected: Undetermined

DOC—NOAA

Prerule Stage

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $7,500,000; Yearly Recurring Cost: $7,500,000; Base Year for Dollar Estimates: 1986

Sectors Affected: 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Agency Contact: John T. Everett, Chief, Program Evaluation and Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, Management and Budget Staff, NMFS, Washington, DC 20235, **202 673-5464**

RIN: 0648–AB93

312. AMENDMENT 1 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will attempt to rebuild declining reef fish stocks, especially red snapper. A primary objective of the amendment will be to reduce red snapper harvest by 60 percent through the use of a commercial quota of 2.1 million pounds, by the establishment of a 12 inch minimum fish size for commercial and recreational fisheries taking red snapper, and by the establishment of a 3 fish red snapper bag limit per person in the recreational sector. The amendment will also protect other species or reef fish, as well as red snapper, by proposing to (1) prohibit use of fish traps, roller trawls, and powerheads, (2) prohibit the use of bottom long lines shoreward of the 50 fathom curve, and (3) prohibit any entanglement nets, including gillnets, drift, drum, and trammell nets. Several additional species will be included in the management unit, and additional conservation measures will be forthcoming.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	
NPRM	02/15/89	
NPRM Comment Period End	04/01/89	
Final Action	05/20/89	
Final Action Effective	06/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC16

313. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 652

Legal Deadline: Final, Statutory. 110 days after receipt from the Mid-Atlantic Fishery Management Council.

Abstract: Amendment 8 would address current regulatory restraints on industry designed to conserve the resource. The FMP objectives would be modified to promote economic stability, simplify regulations, and to allow more operational flexibility for the industry. Long-term management alternatives to be considered include an Individual Transferable Quota System and other limited effort vessel allocation schemes.

Timetable:

Action	Date	FR Cite
ANPRM	11/15/88	
NPRM	12/01/88	
NPRM Comment Period End	01/15/89	
Final Action	03/20/89	
Final Action Effective	04/20/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC19

314. AMENDMENT 4 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 611.70

Legal Deadline: Final, Statutory. 110 days after receipts from the Pacific Fishery Management Council.

Abstract: Amendment 4 will make many technical and format changes to the FMP to make it a more useful and up-to-date document. Amendment 4 may consider the following: broader framework authority to take timely inseason actions for social-economic reasons; including possible allocation to user groups; procedures for establishing allowable incidental catch levels in other fisheries; a framework for reviewing and conforming Federal management measures to changes in State management; the recreational bag limit for lingcod; the definitions and application of ABC and OY; and revision of procedures regarding experimental fishing permits. The Amendment may not include all these issues, or may add others.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/89	
NPRM	08/15/89	
NPRM Comment Period End	09/29/89	
Final Action	11/18/89	
Final Action Effective	12/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC43

DOC—NOAA **Prerule Stage**

315. BLUEFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory.

110 days after receipt from the fishery management council.

Abstract: The FMP would control the growth of the recreational and commercial fisheries in the EEZ. The Atlantic States Marine Fisheries Commission is developing a plan simultaneously with the Council and will coordinate State management with Federal management of bluefish throughout its range.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/89	
NPRM	03/16/89	
NPRM Comment Period End	05/01/89	
Final Action	06/22/89	
Final Action Effective	07/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, 508 281-3600

RIN: 0648–AC51

316. ● REGULATORY AMENDMENT TO INSTITUTE A CERTIFICATION PROGRAM FOR THE IMPORTATION OF WHOLE UNDERSIZED ATLANTIC GROUNDFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: None

Abstract: The regulatory amendment to the Northeast Multispecies FMP would institute a certification program to allow for the importation of whole Atlantic groundfish smaller than the minimum size for U.S. harvested groundfish. The program would track the imported fish from its foreign supplier to its U.S. processor-purchaser in order to ensure enforcement of minimum size limits on domestic harvests of regulated groundfish species.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/88	
ANPRM Comment Period End	10/15/88	
NPRM	12/15/88	
NPRM Comment Period End	02/01/89	
Final Action	03/15/89	
Final Action Effective	04/15/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, 508 281-3600

RIN: 0648–AC60

OFFICE OF THE ADMINISTRATOR

317. ● LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

Legal Authority: 15 USC 4244

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: NOAA is considering amending its regulations for licensing private remote sensing space systems in response to a Petition by news organizations. Petitioners seek clearer definition of when a license might be restricted because of national security. NOAA will consider ways to provide clarity to reassure potential applicants but will not consider the specific standard proposed by the media which was rejected during the original rulemaking.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/88	
NPRM	12/10/88	
NPRM Comment Period End	01/30/89	
End Review	01/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John A. Milholland, Senior Counsellor/Satellite, Department of Commerce, National Oceanic and Atmospheric Administration, Room 603, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5200

RIN: 0648–AC64

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

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318. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AA46

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319. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State or local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Potential cost to applicants is estimated at $420. Cost per applicant is estimated at $210. Each applicant will be required to submit a conservation plan as part of the permit process. NEPA, EO 12291 and RFA determinations have not been undertaken.

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources and Habitat Programs, NMFS, Washington, DC 20235, **202 673-5351**

RIN: 0648–AB47

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320. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None

Abstract: As required under PL 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, **907 568-7414**

RIN: 0648–AB51

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321. RESUBMITTED PORTION OF AMENDMENT 1 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The revised portion of the amendment will exempt Mid-Atlantic black sea bass fishing gear from the escape vent requirement in a specified fishing area east and south of Barnegat New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	
NPRM Comment Period End	11/29/88	
Final Action	01/18/89	
Final Action Effective	02/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AB89

322. AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will reflect concern for status of swordfish stocks based on recent stock assessments (Jan. and Nov. 1988). U.S. longline fishery now targets tunas and small swordfish in nearshore waters and seeks larger, more valuable swordfish in more distant waters. The Council will consider size limits, area closure, and quota management in Amendment 1 in an attempt to reduce the fishing mortality of small billfish in the exclusive economic zone.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
NPRM Comment Period End	01/29/89	
Final Action	03/20/89	
Final Action Effective	04/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AB92

323. AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This Amendment will (1) update the scientific data and other information used as a basis for management actions, (2) enhance the framework aspect of annual and inseason rulemaking under the fishery management plan (FMP), and (3) ensure conformity of the FMP with the Pacific Salmon Treaty.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	03/00/89	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC00

324. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This amendment will prohibit drift gillnets in the King and Spanish mackerel fisheries in the Gulf of Mexico and South Atlantic, and prohibit purse seines in the King mackerel fishery in the South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	
NPRM Comment Period End	02/20/89	
Final Action	04/14/89	
Final Action Effective	05/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC15

325. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: Final, Statutory. 75 days after receipt from the fishery management council.

Abstract: This amendment will require that white shrimp taken in the Exclusive Economic Zone conform to the minimum size, landing, and possession limits of the State in which they are landed; will simplify the annual review process for the Tortugas Sanctuary; delay the Gulf of Mexico Council/Southeast Regional Director's decision on the Texas closure to February 1; and recommend expanding the sea turtle education and headstart program.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	
NPRM Comment Period End	11/17/88	
Final Action	01/06/89	
Final Action Effective	02/05/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC17

326. IMPLEMENTATION OF CONDITIONALLY APPROVED MEASURES UNDER AMENDMENT 1 TO THE SPINY AND SLIPPER LOBSTER FMP IN THE GULF OF MEXICO AND SOUTH ATLANTIC - PERMITS AND BAG LIMITS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: This rule will require commercial and tail separation permits and establish a recreational bag limit during the regular season.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	52 FR 8485
NPRM Comment Period End	03/07/89	52 FR 8485
Final Action	04/28/89	
Final Action Effective	05/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC25

327. AMENDMENT 2 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 2 will provide additional protection to groundfish resources in the North Atlantic beyond that provided by the FMP. The amendment is aimed at reducing fishing pressure on ten valuable fish species and rebuilding their stocks (cod; haddock; yellowtail, winter, windowpane, and witch flounders; pollock; redfish; American plaice; and white hake). Alternative management measures to be considered include increases in minimum sizes of four regulated species, establishment of a 9 inch minimum size for redfish, requirement for 5 1/2 inch minimum mesh throughout the net by October 1, 1989 in the regulated mesh area, a trip bycatch limit of 25 percent of regulated species weight for vessels operating in the exempted Fisheries Program, as well as other measures.

Timetable:

Action	Date	FR Cite
Notice of hearings = request for comments	07/14/88	53 FR 26616
ANPRM	09/01/88	
NPRM	09/15/88	
NPRM Comment Period End	11/01/88	
Final Action	12/18/88	
Final Action Effective	01/18/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, 508 281-3600

RIN: 0648–AC26

328. FISH AND SEAFOOD PROMOTION ACT OF 1986

Significance: Regulatory Program

Legal Authority: 16 USC 4001 to 4017 Fish & Seafood Promotion Act of 1986 (FSPA)

CFR Citation: 50 CFR 701

Legal Deadline: None

Abstract: The proposed rule describes the conditions under which seafood marketing councils for one or more species of fish or fish products authorized under the FSPA may be established and operated. The councils will be funded through self-assessment by segments of the industry represented on the council and are established through (1) application of particular sector(s) of industry to the Secretary of Commerce; (2) favorable Secretarial review of the application and (3) passage of a referendum conducted by the Secretary among sector participants. The Secretary appoints members to the councils from lists of nominees supplied by the industry. Councils will submit annual plans and budgets for species-specific marketing and promotion, including consumer education, research, and other activities. Costs to the Federal Government are estimated to range from $100,000 to $200,000 for program start-up and other initial costs to establish one council. Annual costs will vary and depend upon the number of applications received and the number of referenda conducted. Benefits to the industry may be substantial.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Complete DOC/OMB review	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Agency Contact: Carmen J. Blondin, Director, Off. of Trade & Industry

Services, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, **202 673-5260**

RIN: 0648–AC27

329. AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: Final, Statutory. 110 days after submission by the fishery management council.

Abstract: This action will change the date from 1990 to 1992 to establish the new minimum vent size at 1 15/16 inches by 6 inches for rectangular vents or 2 7/16 inches diameter for circular vents; and to implement a requirement that each trap shall have an escape panel fastened with biodegradable material.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	
NPRM Comment Period End	12/30/88	
Final Action	02/16/89	
Final Action Effective	03/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AC28

330. AMENDMENT 2 TO THE SPINY LOBSTER FISHERY MANAGEMENT PLAN OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This rule would propose a limited entry system for the fishery.

Timetable:

Action	Date	FR Cite
NPRM	12/16/88	
NPRM Comment Period End	01/31/89	
Final Action	03/24/89	
Final Action Effective	04/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33708, **813 893-3141**

RIN: 0648–AC29

331. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1989

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1989.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	
NPRM Comment Period End	10/30/88	
Final Action	12/15/88	
Final Action Effective	01/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Alfred J. Bilik, Fishery Management Office, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5319**

RIN: 0648–AC30

332. AMENDMENT 12 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 675; 50 CFR 611

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The amendment would provide for requiring all floating processors receiving fish caught in Federal waters to hold a Federal permit and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	12/17/88	
Final Action	02/20/89	
Final Action Effective	03/22/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC32

333. FISHERY MANAGEMENT PLAN FOR KING AND TANNER CRAB IN THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The FMP would govern fishing for king and tanner crab in the EEZ by minimum sizes, annual guideline harvest levels, definition of legal gear, restriction on harvest of female crabs, registration areas, fishing seasons, and provisions for inseason adjustments. The State of Alaska would adopt measures for reporting requirements, gear placement, gear

storage, gear restrictions, and vessel tank inspections. A person may appeal to the Secretary if he believes a State action does not comply with the FMP, the Magnuson Act, or other applicable law.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	12/18/88	
Final Action	02/07/89	
Final Action Effective	03/07/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC34

334. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the EEZ off Alaska and who sell, transport, or deliver salmon in the EEZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
NPRM	01/15/89	
NPRM Comment Period End	03/03/89	
Final Action	04/03/89	
Final Action Effective	05/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC39

335. ATLANTIC TUNA FISHERIES - REGULATORY AMENDMENT

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: Regulatory Amendment to clarify intent of existing regulation through international agreements that no directed fishing is allowed on Atlantic bluefin tuna in the Gulf of Mexico. The existing regulation has a category for incidental catch of bluefin in the domestic longline fishery for other species. The intent of the existing regulation is no fishing in the Gulf of Mexico for bluefin tuna under any other category of fishing. This amendment will clarify that point. A modification of the quota or adjustment in fishing seasons may be necessary.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	10/00/88	
Final Action	11/00/88	
Final Action Effective	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648–AC40

336. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SWORDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This regulatory amendment will modify the present data collection system to require 100 percent mandatory dealer reporting of landings and value, for swordfish and other species caught in the domestic longline fishery. This information is required to determine total fishery landings, fishing effort, and biological data (e.g., size of population, age classes) for stock assessment purposes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC41

337. AMENDMENT 17 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The amendment would require floating processors receiving fish caught in Federal waters to hold a

Federal permit, and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	12/17/88	
Final Action	02/20/89	
Final Action Effective	03/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC42

338. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 650

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This amendment will involve a major revision of the management plan with the purpose of replacing a management program based on a meat count standard measure with some other management approach of equal or greater effectiveness in meeting the plan's objectives. The Council is considering optional means of effort control, which would have industry support, as a basis for a new management program.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	
NPRM Comment Period End	02/20/89	
Final Action	04/14/89	
Final Action Effective	05/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AC44

339. REGULATORY AMENDMENT TO DESIGNATE SPECIAL FISHING AREAS IN THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: The regulatory amendment would establish two special management zones around artificial reefs that were requested by the Ft. Pierce Sport Fishing Club and approved by the South Atlantic Fishery Management Council. Within the fishery management plan for the snapper-grouper fishery, use of fish traps, bottom longlines, hydraulic and electric reels unless mounted on a hand-held rod would be prohibited. In addition, spear fishing on the inshore site is prohibited and possession or harvest of jewfish would be prohibited.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	10/00/88	
Final Action	11/18/88	
Final Action Effective	12/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3149**

RIN: 0648–AC48

340. AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: This Amendment will address: (1) allocation of chinook and coho salmon north of Cape Falcon between non-Indian commercial and recreational fisheries, (2) the ocean escapement goal for Klamath River Fall chinook, (3) clarification of steelhead management objectives, (4) revision of the notice procedure for inseason management actions, (5) framework provisions for reporting requirements for certain fishery information, and (6) allowance for commercial coho fishing north of the California-Oregon border prior to July 1.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	
NPRM Comment Period End	10/17/88	
Final Action	01/17/89	
Final Action Effective	02/04/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE, Building 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC49

341. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER- GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 646

Legal Deadline: Final, Statutory. 110 days after receipt from the South Atlantic Fishery Management Council.

Abstract: Amendment 1 would prohibit the use of trawl gear in the directed fishery for snapper-groupers. The ban would apply from Cape Hatteras south through the Atlantic coast of Florida to Cape Canaveral. The prohibition is aimed primarily at fishing with roller trawls which destroy sessile organisms in live-bottom areas, including sponges and sea fans.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/88	
NPRM	09/15/88	
NPRM Comment Period End	10/30/88	
Final Action	12/19/88	
Final Action Effective	01/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC50

342. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Actions which may be considered for inclusion in the amendment are: (1) adjustment of the Spanish Mackerel Commercial Fishery allocation, (2) adjustment of the bag limits in the recreational fishery, (3) divide quotas by time or area, (4) adjust qualification criteria for commercial permits, (5) prohibit charter boats from obtaining a commercial permit, (6) prohibit the sale of mackerel taken under the bag limit, (7) establish subquotas for king mackerel by gear type in the commercial fishery, (8) adjust the seasonal boundaries, and (9) impose bag limits of cobia in both the recreational and commercial fisheries.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
Final Action	05/20/89	
Final Action Effective	06/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC55

343. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO - THE TORTUGAS SANCTUARY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This amendment will reopen a portion of the Tortugas Sanctuary that has been closed to shrimp fishing.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	
NPRM Comment Period End	10/14/88	
Final Action	11/14/88	
Final Action Effective	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC56

344. ● FISHERY MANAGEMENT PLAN FOR THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 EAST LONGITUDE - REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: None

Abstract: This regulatory amendment would modify the regulations implementing the FMP in order to bring them into conformity with the FMP measures concerning the Secretary's authority to open and close fishing areas.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99801, **907 586-7221**

RIN: 0648–AC57

345. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE RED DRUM FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 3 would establish a regulatory framework measure which allows the Secretary of

Commerce to (1) adjust the total allowable catch in the Gulf of Mexico exclusive economic zone based upon the latest scientific assessment of the status of the stock, and (2) allocate the available catch between commercial and recreational users according to a preestablished allocation schedule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
NPRM Comment Period End	09/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC58

346. ● REGULATORY AMENDMENT TO CLARIFY TRIP LIMIT REGULATIONS FOR THE PACIFIC COAST GROUNDFISH AND SALMON FISHERIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 661

Legal Deadline: None

Abstract: The regulatory amendment would clarify trip limit restrictions in the groundfish and salmon fisheries off the coasts of Washington, Oregon, and California. The definitions of "land or landing" and "fishing trip" are modified to clarify trip limit restrictions, to provide consistent regulations in the two fisheries, and to facilitate enforcement.

Timetable:

Action	Date	FR Cite
NPRM	09/01/88	
NPRM Comment Period End	10/01/88	
Final Action	12/01/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NWR, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC59

347. ● SCIENTIFIC RESEARCH - DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Margaret Frailey, Assistant General Counsel for Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5220**

RIN: 0648–AC61

348. ● IMPLEMENTATION OF PL 99-659 AND OTHER RECOMMENDATIONS TO IMPROVE THE FISHERY MANAGEMENT SYSTEM - THE CONSERVATION STANDARD

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 602

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to establishing a conservation standard for determining a biologically acceptable catch for each managed fishery. This is being considered to conform with recommendations and new administration policy.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	
NPRM Comment Period End	02/28/89	
Final Action	07/14/89	
Final Action Effective	08/13/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, **202 673-5263**

RIN: 0648–AC62

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

349. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine

Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AA33

350. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Final Action	08/30/85	50 FR 35210
Decision whether to proceed with rulemaking	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations. Further revision has been deferred pending review of public comment on the April study, and amendments to the CZMA enacted in 1986, and the outcome of pending litigation.

Agency Contact: James P. Blizzard, Deputy Director, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5111**

RIN: 0648–AA34

351. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB49

352. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB64

353. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

DOC—NOAA **Proposed Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB68

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354. RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally approved state coastal zone management programs. NOAA/OCRM intends to issue regulations to implement these provisions and to correct problems NOAA/OCRM and the states have experienced in processing program change requests.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
NPRM	03/31/89	
NPRM Comment Period End	04/30/89	
Final Action	10/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: State

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, **202 673-5100**

RIN: 0648–AC02

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355. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC03

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356. PROPOSED REGULATIONS FOR THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC05

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357. ● PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: NPRM, Statutory. Within 12 months of enactment.

Abstract: As a result of the Marine Protection Research and Sanctuaries Act re-authorization anticipated in 1988, the regulations will be revised to incorporate modifications from the new legislation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, 202 **673-5126**

RIN: 0648–AC53

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358. ● PROPOSED REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Monterey Bay, if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS, Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, 202 **673-5126**

RIN: 0648–AC63

DOC—NOAA

Proposed Rule Stage

OFFICE OF THE ADMINISTRATOR

359. ● NATIONAL SEA GRANT PROGRAM FUNDING REGULATIONS

Legal Authority: 33 USC 1123 (d)(7); 33 USC 1125; 33 USC 1127

CFR Citation: 15 CFR 917.2 (Revision); 15 CFR 917.11 (Revision); 15 CFR 917.20 (Revision); 15 CFR 917.21 (Revision); 15 CFR 917.22 (Revision); 15 CFR 917.30 (Revision)

Legal Deadline: Final, Statutory, December 28, 1988.
Applies only to revision of 15 CFR 917.20 - 917.22.

Abstract: Amendments to the Sea Grant Act require updating of implementing regulations to include:

Replace the "National Needs" program with a "strategic research program," essentially to focus on a more limited number of priority research areas;

Include two types of fellowships not previously recognized by statute and set forth selection procedures;

To update the international program in view of the broader geographic areas and activities authorized;

To provide more specific support for graduate education and interdisciplinary research in marine affairs.

There are no alternatives. Statutory amendments explicitly or implicitly require conforming amendments to the funding regulations. There are no costs involved.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	11/29/88	
Final Action	12/28/88	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Milholland, Senior Counselor, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Universal South Bldg., Rm. 603, Washington, DC 20230, 202 673-5200

RIN: 0648–AC54

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

360. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Interim Final Rule	07/16/87	52 FR 26685
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Agency Contact: Mark Holliday, Acting Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, Off. of Research and Environmental Informat., NMFS, Washington, DC 20235, 202 673-5335

RIN: 0648–AA38

361. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
Interim Final Rule	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, 617 281-3600

RIN: 0648–AA47

DOC—NOAA **Final Rule Stage**

362. IMPLEMENTATION OF PL 59-659 AND OTHER RECOMMENDATIONS TO IMPROVE THE FISHERY MANAGEMENT SYSTEM - COUNCIL OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 600,601,604,605

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21863
NPRM Comment Period End	08/09/88	53 FR 21863
Final Action	12/31/88	
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 673-5263

RIN: 0648–AB09

363. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	05/01/84	49 FR 50498
NPRM Comment Period End	06/14/84	49 FR 50498
Final Action	12/31/88	
Final Action Effective	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing.

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5319

RIN: 0648–AB23

364. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653, (Reserved)

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27536
NPRM Comment Period End	09/06/88	53 FR 27536
Final Action	10/26/88	
Final Action Effective	11/25/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., FNER, Gloucester, MA 01930, 508 281-3600

RIN: 0648–AB30

365. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568

DOC—NOAA **Final Rule Stage**

Action	Date	FR Cite
Interim Final Rule	03/18/88	53 FR 8910
Final Action	09/00/88	
Begin Review	09/00/88	
Final Action Effective	10/00/88	
End Review	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Sectors Affected: 091 Commercial Fishing

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources & Habitat Programs, NMFS, Washington, DC 20235, **202 673-5351**

RIN: 0648–AB46

366. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yd is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	11/23/87	52 FR 44912
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, **213 514-6201**

RIN: 0648–AB79

367. SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	07/25/88	53 FR 27887
NPRM Comment Period End	09/08/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5299**

RIN: 0648–AB94

368. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263

Legal Deadline: None

Abstract: This revised rule will expand the coverage of established voluntary standards for grades of fish fillets to include a new market form or style of fillet whereby the pin-bones, the bones radiating laterally from the spinal column, are not removed. This style of fillet has become more familiar in the marketplace, resulting in the industry requesting the amendment. Responses to a previous request for comments indicate a national interest in this style of presentation. The amendment will allow this market form, bearing FDA's recommended labeling, to be inspected and reflect the U.S. Grade A mark.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AC12

DOC—NOAA **Final Rule Stage**

369. FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISHES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 644

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The plan was prepared jointly by the South Atlantic, New England, Mid-Atlantic, Gulf and Caribbean Fishery Management Councils. It would establish a management regime for sailfish, white and blue marlin, and longbill spearfish in the Atlantic, Gulf, and Caribbean exclusive economic zone. The plan's objectives are to maintain the highest availability of billfishes to the recreational fishery, to optimize social and economic benefits by reserving billfish for its traditional use, and to improve the understanding of the condition of billfish stocks and the fishery. Proposed management measures include (1) prohibition on the sale of billfish caught from the management unit, (2) possession prohibition aboard pelagic longline and drift gill net vessels, (3) possession or retention of billfish shoreward of the outer boundary of the EEZ limited to those caught by rod and reel, (4) recreational minimum size limits, (5) mandatory catch and effort reports from billfish tournaments, and (6) limited exemptions for a Puerto Rico handline fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24462
NPRM Comment Period End	08/08/88	53 FR 24462
Final Action	09/19/88	
Final Action Effective	10/18/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC24

370. REGULATORY AMENDMENT TO REQUIRE REPORTING OF PACIFIC COAST GROUNDFISH LANDING TO STATES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: The regulatory amendment would make it a Federal requirement that all landings of groundfish be reported to the appropriate states in compliance with state laws.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22366
NPRM Comment Period End	07/11/88	53 FR 22366
Final Action	09/01/88	
Final Action Effective	10/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NWR, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC31

371. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20661
NPRM Comment Period End	07/18/88	53 FR 20661
Final Action	02/01/89	
Final Action Effective	03/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Peter H. Fricke, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Cons. and Mgt., 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5263**

RIN: 0648–AC45

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

372. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825

DOC—NOAA

Final Rule Stage

Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA31

373. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB50

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

374. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 970, (Exploration Regulations); 15 CFR 971

Legal Deadline: None

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations (15 CFR 971), prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	07/25/86	51 FR 26794
Public Hearings, 08/26/86, 09/11/86	09/09/86	51 FR 26794
NPRM Comment Period End	11/24/86	
NPRM	09/14/87	52 FR 34748
Final Action	09/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Analysis: Regulatory Impact Analysis; See Additional Information

Additional Information: A final RIA has been prepared for the commercial regulations to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The final RIA is available as is the programmatic environmental impact statement and the supplemental environmental assessment. After considering public comments on the proposed major rule, NOAA determined that certain issues were significantly different than the proposed rules. Those limited issues were reproposed for further public comment prior to NOAA's issuing the final regulations.

Agency Contact: James P. Lawless, Chief, Oceans Minerals and Energy Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 1825 Connecticut Ave., NW, Suite 710, Washington, DC 20235, 202 673-5121

RIN: 0648–AA36

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

375. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 650

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 2 revised the management program to (1) specify a 10 percent increase in the meat count standard during the months of October through January (primary period when spawning causes a reduction in individual meat weight of harvestable age scallops) and (2) provide a framework regulatory mechanism to change the magnitude and/or timing of the meat count standard adjustment during the spawning season. The purpose of Amendment 2 is to provide regulatory relief to the industry while still conserving the scallop resource.

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12709
NPRM Comment Period End	04/29/88	53 FR 12709
Final Action	06/23/88	53 FR 23634

Action	Date	FR Cite
Final Action Effective	07/22/88	53 FR 23634

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AB83

376. GROUNDFISH OF THE GULF OF ALASKA - AMENDMENT 16 AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA - AMENDMENT 11A

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The regulation addresses the revision of the definition of "prohibited species" and requires catcher/processor vessels operating in the Gulf of Alaska or the Bering Sea and Aleutian Islands area to keep records on groundfish production and transfers of groundfish products.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48303
NPRM Comment Period End	01/30/88	
Final Action	03/10/88	53 FR 7756
Final Action Effective	04/07/88	53 FR 7756

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AB98

377. TAKING OF MARINE MAMMALS INCIDENTAL TO UNDERWATER TESTS BY THE DEPARTMENT OF THE NAVY

Legal Authority: 16 USC 1361 to 1497 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: Based on a request from the Department of the Navy, NMFS is considering regulations that would allow a small number of harbor seals and California sea lions to be taken incidental to underwater explosive tests in San Francisco Bay. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of Marine mammals incidental to specified activities provided that certain findings can be made and regulations are established that set forth permissible methods of taking and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
Final Action	08/24/88	
Withdrawn Navy has never submitted request; withdraw action	08/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Foster, Director, Office of Protected Resources, and Habitat Programs, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5350**

RIN: 0648–AC08

378. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 683

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The amendment will establish a limited access system in the bottomfish fisheries of the Western Pacific.

Timetable:

Action	Date	FR Cite
NPRM	05/11/88	53 FR 16735
NPRM Comment Period End	06/20/88	53 FR 16735
Final Action	08/09/88	53 FR 29907

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SWR, 300 S. Ferry Street, Terminal Island, CA 90731, **213 514-6600**

RIN: 0648–AC10

379. AMENDMENT TO REGULATION PROVIDING FOR ALLOCATION OF PACIFIC HALIBUT AMONG DOMESTIC FISHERMEN

Legal Authority: North Pacific Halibut Act of 1982

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: The amendment addresses the allocation among domestic fishermen of the U.S. quota of Pacific halibut as determined by the International Pacific Halibut Commission.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/01/88	53 FR 20327
Final Action	06/03/88	53 FR 20327

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 568-7221**

RIN: 0648–AC20

380. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE PRECIOUS CORAL FISHERY OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 680

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The amendment will include measures to encourage local fishermen to increase effort to harvest precious coral.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14824
NPRM Comment Period End	06/06/88	53 FR 14824
Final Action	07/21/88	53 FR 27519
Final Action Effective	08/17/88	53 FR 27519

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, **213 514-6660**

RIN: 0648–AC33

381. REGULATORY AMENDMENT TO PROHIBIT LANDINGS OF UNDERSIZE RED SNAPPER IN THE REEF FISH FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: The regulatory amendment would close a loophole that fishermen are using to land undersized red snapper in the Gulf of Mexico reef fish fishery. Currently, persons lawfully fishing with trawls from domestic vessels are exempt from the minimum size limit for red snapper. The regulatory amendment would only allow retention of trawl-caught red snapper if fishing for species other than red snapper, provided the total weight of red snapper does not exceed five percent of all other species aboard.

Timetable:

Action	Date	FR Cite
NPRM	02/26/88	53 FR 5809
NPRM Comment Period End	03/28/88	53 FR 5809
Final Action	08/16/88	53 FR 30846
Final Action Effective	09/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC36

382. IMPLEMENTATION OF CONDITIONALLY APPROVED MEASURES UNDER AMENDMENT TO THE SPINY AND SLIPPER LOBSTER FMP IN THE GULF OF MEXICO AND SOUTH ATLANTIC - TRAP REMOVAL

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: This rule (1) changed the dates of the two-day non-trap recreational season and the beginning of the regular season; (2) removed the daily boat limit of 24 spiny lobsters during the two-day non-trap recreational season; (3) provided for a ten-day extension of the period for trap removal after the season closes under certain circumstances; and (4) revised the requirements for holding undersized spiny lobsters for use as attractants.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8485
NPRM Comment Period End	04/18/87	52 FR 8485
Final Action Effective	05/11/88	53 FR 17194
Final Action	05/16/88	53 FR 17194

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC37

383. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE RED DRUM FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 2 (1) sets total allowable catch (TAC) of red drum from the primary management area of the exclusive economic zone (EEZ) to zero by reducing recreational and commercial quotas to zero, thereby extending the previous prohibition on the harvest or possession of red drum in the secondary areas to the entire Gulf of Mexico EEZ, and (2) makes a technical correction to the specifications to the fishing year, and to the allowable catch and allocation procedures. It also modifies management objective 1 and the statement of optimum yield to provide for a 30 percent escapement rate for juvenile red drum (an increase over the previous 20 percent level) from inshore and nearshore areas to the offshore spawning stock. The action is based upon new biological information indicating significant problems with the condition of the adult brood stock and recommendations of scientific advisors to take immediate protective measures for the brood stock and to increase the escapement of juveniles from the inshore areas to the offshore brood stock.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12790
NPRM Comment Period End	05/21/88	53 FR 12790
Final Action	06/29/88	53 FR 24662

DOC—NOAA **Completed Actions**

Action	Date	FR Cite
Final Action Effective	06/29/88	53 FR 24662

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC38

384. REGULATORY AMENDMENT MODIFYING THE BOUNDARY OF THE TEXAS SEASONAL CLOSURE OF THE SHRIMP FISHERY OF THE GULF OF MEXICO FOR 1988

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This action will change the seaward boundary of the 1988 Texas closure from 200 nautical miles off the Texas coast to 15 nautical miles. This modification will allow fishermen to harvest marketable-sized shrimp from the previously closed area, and will allow NMFS to collect current data on fishing effort and patterns to evaluate the impact of the seasonal closure.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12046
Final Action Effective	05/24/88	53 FR 18840
Final Action	05/25/88	53 FR 18840

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC46

385. REGULATORY AMENDMENT REVISING THE FINAL REGULATIONS IMPLEMENTING THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: None

Abstract: This amendment will ban drift gillnets in the king mackerel fishery.

Timetable:

Action	Date	FR Cite
Withdrawn = action will be taken in Amendment 3 to the FMP	07/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC47

386. INTERJURISDICTIONAL FISHERIES

Legal Authority: 16 USC 4100 et seq; PL 99-659, Title III, Interjurisdctnl Fisheries Act of 1986

CFR Citation: 50 CFR 253

Legal Deadline: None

Abstract: Provides State agencies guidance in receiving grants under the Interjurisdictional Act of 1986. The act allows the Secretary of Commerce to distribute funds to the States and Interstate Commissions to conduct projects on interjurisdictional species and to enter into agreements with the States for enforcement of State and Federal fishery regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/23/87	52 FR 44922
NPRM Comment Period End	12/23/87	52 FR 44922
Final Action	06/03/88	53 FR 20323
Final Action Effective	06/30/88	53 FR 20323

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Austin R. Magill, Division of Recreational and Interjurisdictional Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5272**

RIN: 0648–AC52

DEPARTMENT OF COMMERCE (DOC) — Prerule Stage

Office of Productivity, Technology and Innovation (OPTI)

387. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 100

Legal Deadline: None

Abstract: PL 99-502 amended the Stevenson-Wydler Innovation Act of 1980 by establishing a number of procedures to encourage the development of technologies by laboratories owned or operated by the Federal government, to facilitate the transfer of such technologies to the public, and to promote cooperation between these laboratories and the private sector.

Executive Order 10096 would be amended with regard to the government's rights to ownership of inventions created in laboratories owned or operated by the Federal government. A revised version of the executive order might be prepared and regulations would be developed to

implement the amendments effected by PL 99-502.

This action will not increase Federal costs. In the short run it will encourage private sector collaboration to assist work done in Federal laboratories by appropriated funds, and in the long run increased commercialization of patents and inventions will increase tax revenues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Joseph P. Allen, Director, Office of Federal Technology Management, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, 202 377-8101

RIN: 0692–AA05

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Proposed Rule Stage

388. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None

Abstract: This action will revise 37 CFR 404 to simplify the process by which U.S. industry can obtain license to patented inventions owned by the Government. PL 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Joseph P. Allen, Director, Office of Federal Technology Management, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, 202 377-8101

RIN: 0692–AA04

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

389. DEPOSIT OF BIOLOGICAL MATERIALS FOR PATENT PURPOSES

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.200 (New); 37 CFR 1.201 (New); 37 CFR 1.202 (New); 37 CFR 1.203 (New); 37 CFR 1.204 (New); 37 CFR 1.205 (New); 37 CFR 1.206 (New); 37 CFR 1.207 (New); 37 CFR 1.208 (New)

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to govern the deposit of biological materials for patent purposes.

Timetable:

Action	Date	FR Cite
ANPRM	09/09/87	52 FR 34080
ANPRM Comment Period End	11/30/87	
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Charles E. Van Horn, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4035

RIN: 0651–AA13

390. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance & Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1572

RIN: 0651–AA18

391. TRADEMARK APPLICATIONS PURSUANT TO 15 USC 1126

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984); In re International Barrier Corp., 231 USPQ 310 (TTAB 1986); In re ETA Systems, Inc., 2 USPQ 2d 1367 (TTAB 1987)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decisions of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984), in re International Barrier Corp., 231 USPQ 310 (1986) and in re ETA Systems, Inc., 2 USPQ 2d 1367 (1987).

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3061**

RIN: 0651–AA23

392. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None

Abstract: 37 CFR 1.56 and 1.97-1.99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651–AA27

393. REVISION OF PATENT FEES

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 376

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.24; 37 CFR 1.26; 37 CFR 1.297; 37 CFR 1.445; 37 CFR 1.482

Legal Deadline: None

Abstract: PTO plans to propose amendments of its rules of practice in patent cases to adjust patent fees effective October 1, 1988, to reflect the fluctuations in the Consumer Price Index during the previous three years.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Frances Michalkewicz, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, **703 557-1610**

RIN: 0651–AA30

394. ● REQUESTS FOR RECONSIDERATION IN PATENT AND TRADEMARK OFFICE DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 32; 35 USC 34; 35 USC 41

CFR Citation: 37 CFR 10.156

Legal Deadline: None

Abstract: The proposed rule change will prescribe the date on which the decision of the Commissioner of Patents and Trademarks in a PTO disciplinary proceeding becomes final agency action for purposes of judicial review. It will also provide for one request for reconsideration or modification of such decision by a party.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris A. Pitlick, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, **703 557-4035**

RIN: 0651–AA33

395. ● MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.12; 37 CFR 1.84; 37 CFR 1.88

Legal Deadline: None

Abstract: Clarifications to requirements for patent application drawings. Revisions for addressing mail to the Patent and Trademark Office. Inclusion of security agreement recording in trademark records of ownership (assignments).

DOC—PTO

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	06/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theresa A. Brelsford, Assistant Commissioner for Administration, Department of Commerce, Patent and Trademark Office, 2121 Crystal Drive, PK2 908, Arlington, VA 20231, 703 557-2290

RIN: 0651–AA34

396. ● AMENDMENTS OF PATENT AND TRADEMARK RULES CONCERNING JUDICIAL REVIEW OF DECISIONS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.136; 37 CFR 1.191; 37 CFR 1.196; 37 CFR 1.197; 37 CFR 1.304; 37 CFR 1.550; 37 CFR 1.645; 37 CFR 1.658; 37 CFR 2.129; 37 CFR 2.144; 37 CFR 2.145

Legal Deadline: None

Abstract: PTO proposes to amend its rules to clarify when a decision of the Board of Patent Appeals and Interferences becomes final for purposes of judicial review. The proposed rule changes will eliminate any confusion as to when judicial review must be sought and standardizes the manner of obtaining extensions of time to seek judicial review of decisions of the Board of Appeals and Interferences and Trademark Trial and Appeal Board.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Schafer, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA35

397. ● AMENDMENTS OF TRADEMARK RULES GOVERNING INTER PARTES PROCEEDINGS; MISCELLANEOUS AMENDMENTS OF OTHER TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.92; 37 CFR 2.102(c); 37 CFR 2.119(d), (New); 37 CFR 2.119(e), (New); 37 CFR 2.120(d); 37 CFR 2.120(g); 37 CFR 2.120(j)(3); 37 CFR 2.120(j)(5); 37 CFR 2.120(j) (8); 37 CFR 2.123(c); 37 CFR 2.123(e)(2); 37 CFR 2.127(e)(1), (New); 37 CFR 2.127(e)(2), (New); 37 CFR 2.128(b); 37 CFR 2.186; ...

Legal Deadline: None

Abstract: The rules of practice in trademark cases are proposed to be amended to revise, simplify, clarify, or delete existing rules or to codify in rules certain practices which are currently in effect. The rules involved are those relating to the requirements for concurrent use applications; abandonment of trademark applications; appeals to the TTAB from the final refusal of registration in ex parte cases; the institution and conduct of interference, concurrent use, opposition, and cancellation proceedings before the TTAB; review by civil action of a decision of the TTAB; and allowing an assignee to take action with respect to the assigned application or registration. The proposed amendments will assist the orderly and prompt resolution of issues in proceedings before the TTAB.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 5: Trademark Trial and Appeal Board, Washington, DC 20231, 703 557-3551

RIN: 0651–AA36

398. ● REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING DNA/RNA AND PROTEIN SEQUENCE DISCLOSURES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.221, (New); 37 CFR 1.222, (New); 37 CFR 1.223, (New); 37 CFR 1.224, (New); 37 CFR 1.225, (New)

Legal Deadline: None

Abstract: The rules would require the submission of DNA/RNA and protein sequences to be in a standard format in patent applications, to be in a separate part and also be submitted in electronic form such as diskette or tape. The submissions would simplify search, examination and publication and would facilitate the establishment of a searchable data base.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	04/00/89	
Final Action	09/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Kittle, Director, Group 180, Department of Commerce, Patent and Trademark Office, CP2-9A09, Washington, DC 20231, 703 557-3637

RIN: 0651–AA37

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

399. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations

DOC—PTO **Final Rule Stage**

need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27177
NPRM Comment Period End	09/20/88	
Final Action	11/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, 703 557-4035

RIN: 0651–AA04

400. VARIETY DENOMINATION REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
Notice	12/27/85	50 FR 52963
NPRM	09/18/87	52 FR 42016
NPRM	11/02/87	52 FR 42016
NPRM Comment Period End	01/08/88	
Final Action	11/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651–AA12

401. PRACTICE BEFORE THE PATENT AND TRADEMARK OFFICE

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 31; 35 USC 32; 5 USC 500; 15 USC 1123

CFR Citation: 37 CFR 10.5; 37 CFR 10.6; 37 CFR 10.23

Legal Deadline: None

Abstract: PTO proposes to amend its rules governing the admission of officers and employees of the United States to the register of attorneys and agents authorized to practice before the PTO in patent cases, and the practice of former PTO employees before the Office. The amendment would eliminate a restriction excluding Federal employees from registration which has been held invalid on judicial review. Provisions affected by the elimination of that restriction would also be amended.

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20871
NPRM Comment Period End	08/09/88	53 FR 20871
Final Action	10/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Nancy C. Slutter, Assistant Solicitor, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA31

402. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.4; 37 CFR 1.5; 37 CFR 1.53; 37 CFR 1.56; 37 CFR 1.81; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.152; 37 CFR 1.378; 37 CFR 1.421; 37 CFR 1.480

Legal Deadline: None

Abstract: PTO proposes to amend its regulations to make miscellaneous changes in patent practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/88	53 FR 16522
NPRM Comment Period End	07/21/88	53 FR 16522
Final Action	10/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Louis O. Maassel, Editor, MPEP, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-3070

RIN: 0651–AA32

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

403. MISCELLANEOUS AMENDMENTS OF PATENT RULES

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.14; 37 CFR 1.131; 37 CFR 1.192; 37 CFR 1.194; 37 CFR 1.196; 37 CFR 1.604; 37 CFR 1.607; 37 CFR 1.612; 37 CFR 1.637; 37 CFR 1.658; 37 CFR 1.662; 37 CFR 5.3

Legal Deadline: None

DOC—PTO

Completed Actions

Abstract: PTO plans to amend its rules of practice to clarify the procedure in patent interference cases, to make ex parte practice in patent cases consistent with the procedure in patent interference cases, and to expedite the disposition of appeals in ex parte cases.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	52 FR 36736
NPRM Comment Period End	12/01/87	
Final Action	06/23/88	53 FR 23728
Final Action Effective	09/12/88	53 FR 23728

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Saul I. Serota, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4072**

RIN: 0651–AA25

404. REQUESTS FOR PRESIDENTIAL PROCLAMATIONS UNDER THE SEMICONDUCTOR CHIP PROTECTION ACT

Significance: Regulatory Program

Legal Authority: 35 USC 6; 17 USC 901; EO 12504

CFR Citation: 37 CFR 150.1; 37 CFR 150.2; 37 CFR 150.3; 37 CFR 150.4; 37 CFR 150.5; 37 CFR 150.6

Legal Deadline: None

Abstract: PTO proposes to amend its rules of practice to provide procedures implementing the provision in the Semiconductor Chip Protection Act of 1984 for the issuance of Presidential Proclamations to protect semiconductor chip products against unauthorized duplication.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5588
Final Action	06/29/88	53 FR 24444
Final Action Effective	08/01/88	53 FR 24444

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231, **703 557-3065**

RIN: 0651–AA29

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

United States Travel and Tourism Administration (USTTA)

405. TRAVEL PROMOTION FEE

Significance: Regulatory Program

Legal Authority: Not yet enacted

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: USTTA has primary Federal responsibility for stimulating U.S. export earnings through trade in tourism. Trade development coordination and other related services are currently provided without charge, however, various public and private sector partners do support USTTA cooperative programs at a level nearly equal the funding provided the agency by Congress. The Administration has directed USTTA to undertake efforts to replace funding it receives from general Treasury revenue with monies raised by assessing a fee on all inbound tickets sold to airline and cruiseline passengers except those coming from Canada, Mexico, the Caribbean and U.S. territories. Upon enactment of this legislation USTTA will issue implementing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Eric C. Peterson, Dpty. Under Secretary for Travel and Tourism, Department of Commerce, United States Travel and Tourism Administration, Room 1865, Washington, DC 20230, **202 377-0140**

RIN: 0644–AA00

[FR Doc. 88-20660 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on April 25, 1988, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in April 1989. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Pearl Rascoe-Harrison, telephone 202-746-0933 or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives, Directorate, Washington Headquarters Services, telephone 202-697-4111.

For general information on Department of the Army regulations, contact Mr. John O. Roach, telephone 202-325-6297 or write to HQDA, SFIS-APP, Room 1010, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 202-697-7216 or write to Department of the Navy, Information Resources Management, IRM/C, Washington, DC 20350-1000.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 202-694-3527 or write to Department of the Air Force, SAF/AADA, Pentagon, Washington, DC 20330-1000.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act; and

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

Dated: August 25, 1988.

D. O. Cooke,

Director, Administration and Management.

DOD

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
406	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of PL 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
407	Commercial Activities Program; Procedures (DoD Instruction 4100.33)	0790-AA73
408	Implementation of the Program Fraud Civil Remedies Act (DoD Directive 5505.xx)	0790-AA82
409	Department of Defense (DoD) Program Fraud Civil Remedies Regulation (DoD Directive 5505.xx)	0790-AA83
410	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
411	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Updating CHAMPUS Prevailing Charges (DoD 6010.8-R)	0790-AB05
412	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Per Diem Based Payment Method for Mental Health Services (DoD 6010.8-R)	0790-AB06
413	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Changes to the CHAMPUS DRG-Based Payment System and Fiscal Year 1989 Rates (DoD 6010.8-R)	0790-AB07

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
414	DoD Freedom of Information Act Program (DoD Directive 5400.7)	0790-AA65
415	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Modification of Payment Limitation for Multiple Surgical Procedures (DoD 6010.8-R, Amendment 10)	0790-AA89
416	Strategic Defense Initiative Organization (SDIO) (DoD Directive 5141.5)	0790-AB08
417	Audits of State and Local Governments (DoD Directive 7600.10)	0790-AB09
418	Armed Forces Institute of Pathology (AFIP) (DoD Directive 5154.24)	0790-AB10
419	Armed Forces Radiobiology Research Institute (AFRRI) (DoD Directive 5105.33)	0790-AB11
420	Smoking in DoD Occupied Building (DoD Instruction 6015.18)	0790-AB12
421	Availability to the Public of Defense Intelligence Agency Information	0790-AB13
422	Director of Administration and Management (DoD Directive 5105.53)	0790-AB14
423	Employment and Volunteer Work for Spouses of Military Personnel (DoD Directive 1400.33)	0790-AB15
424	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); The Military-Civilian Health Services Partnership Program (DoD 6010.8-R, Amendment 11)	0790-AB16
425	Reserve Components Common Personnel Data System (RCCPDS) (DoD Instruction 7730.54)	0790-AB17
426	Service by Members of the Armed Forces on State and Local Juries (DoD Directive 5525.8)	0790-AB18
427	Voluntary Education Programs in Overseas Areas (DoD Instruction 1322.19)	0790-AB19
428	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Mental Health Counselors (DoD 6010.8-R Amendment 8)	0790-AB20
429	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Birthing Centers and Eligibility of Adult Adoptees Medical Benefits (DoD 6010.8-R, Amendment 9)	0790-AB21

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
430	The Army General Counsel's Honors Programs	0702-AA00
431	Airfield Certification and Use of Army Airfields by Other than U.S. Department of Defense Aircraft	0702-AA02
432	Regulations Affecting Military Reservations: Prohibited Activities at Fort Bragg, NC	0702-AA17

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
433	Personal Check Cashing Control and Abuse Prevention	0702-AA18

DOD

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
434	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D--Endangered Species Counterpart Regulations	0710-AA17
435	Nationwide Permit Program	0710-AA20

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
436	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
437	Availability of Department of the Navy Records and Publications of the Navy Documents Affecting the Public	0703-AA17

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
438	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
439	Claims and Tort Litigation (AFR 112-1)	0701-AA19
440	Leasing USAF Aircraft and Related Equipment to Nongovernment Organizations	0701-AA26

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
441	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
442	Delivery of Air Force Personnel to U.S. Civilian Authorities for Trial (AFR 111-11)	0701-AA20
443	Environmental Impact Analysis Process (ANGR 19-02)	0701-AA22
444	Personal Financial Responsibility (AFR 35-18)	0701-AA23
445	Air Force Systems Command Contractor Performance Assessment	0701-AA27

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Final Rule Stage

406. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PL 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR 199) to meet the intent of Section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Final Action	05/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790–AA71

407. COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169

Legal Deadline: None

Abstract: This part establishes DoD policies to implement OMB Circular No. A-76, which are currently included in 32 CFR Part 169. It establishes procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources. 32 CFR Part 169, "Commercial Activities Program" and 32 CFR Part 169a, "Commercial Activities Program Procedures" are proposed to be removed in their entirety.

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43619
NPRM Comment Period End	01/02/87	51 FR 43620
Final Action	05/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Hansen, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA73

408. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT (DOD DIRECTIVE 5505.XX)

Legal Authority: 31 USC 3807; PL 99-509

CFR Citation: 32 CFR 276

Legal Deadline: None

Abstract: This part implements Program Fraud Civil Remedies Act by establishing an administrative process within the Departments of the Army, Navy, and Air Force for the adjudication of fraudulent claims of less than $150,000 or false statements.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26692
NPRM Comment Period End	08/17/87	52 FR 26692
Final Action	05/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Sterlacci, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790–AA82

409. DEPARTMENT OF DEFENSE (DOD) PROGRAM FRAUD CIVIL REMEDIES REGULATION (DOD DIRECTIVE 5505.XX)

Legal Authority: 31 USC 3807; PL 99-509

CFR Citation: 32 CFR 277

Legal Deadline: None

Abstract: This part establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious or fraudulent claims or written statements to authorities or to their agents. It also specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26693
NPRM Comment Period End	08/17/87	52 FR 26693
Final Action	05/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Sterlacci, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790–AA83

410. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This part is being revised and reissued to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864
Final Action	05/30/89	
Final Action Effective	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Brown, Department of Defense, Office of the Secretary, **202 696-4599**

RIN: 0790–AA84

DOD—OS

Final Rule Stage

411. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); UPDATING CHAMPUS PREVAILING CHARGES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed amendment revises DoD 6010.8-R to allow the Secretary of Defense increased flexibility regarding the timing of updates to the prevailing charge levels which limit the amounts that are payable under CHAMPUS for professional services.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/88	53 FR 20592
Comment Period End		
NPRM	07/05/88	53 FR 20592
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Gallegos, Department of Defense, Office of the Secretary, **303 361-3005**

RIN: 0790–AB05

412. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PER DIEM BASED PAYMENT METHOD FOR MENTAL HEALTH SERVICES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule, if adopted, would revise the comprehensive CHAMPUS regulation to establish a new method of paying for mental health hospital care. Rather than continuing to pay billed charges, the new method would pay hospitals based on prospectively set fixed rates for each day of hospital services provided. These per diem rates would be calculated to be revenue neutral in the base period of calculation, with full adjustments for price inflation. The result will be nearly revenue neutral in fiscal year 1989 with respect to CHAMPUS payments for inpatient mental health services.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20585
NPRM Comment Period End	07/05/88	53 FR 20585
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Regensberg, Department of Defense, Office of the Secretary, **303 361-3572**

RIN: 0790–AB06

413. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CHANGES TO THE CHAMPUS DRG-BASED PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed amendment changes CHAMPUS DRG-based payment system which was implemented on October 1, 1987. Some of these changes are necessary as a result of our experience with the system or to conform to a number of recent statutory changes affecting the Medical Prospective Payment System (PPS) upon which the CHAMPUS DRG-based payment system is modeled. Other changes expand the scope of the DRG-based payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20576
NPRM Comment Period End	07/05/88	53 FR 20576
Final Action Effective	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Isaacson, Department of Defense, Office of the Secretary, **303 361-4005**

RIN: 0790–AB07

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Completed Actions

414. ● DOD FREEDOM OF INFORMATION ACT PROGRAM (DOD DIRECTIVE 5400.7)

Legal Authority: PL 99-570, Sec 1801 to 1804; PL 99-661, Sec 2328; 5 USC 552

CFR Citation: 32 CFR 285

Legal Deadline: None

Abstract: This final rule publishes a revision of DoD Directive 5400.7, which is the authority document for the publication of DoD 5400.7-R (32 CFR 286). This rule merely addresses nonsubstantive administrative changes to the Directive and makes it consistent with 32 CFR 286.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/13/88	53 FR 19905
Final Action	06/01/88	53 FR 19905

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Talbott, Department of Defense, Office of the Secretary, **202 697-1180**

RIN: 0790–AA65

415. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MODIFICATION OF PAYMENT LIMITATION FOR MULTIPLE SURGICAL PROCEDURES (DOD 6010.8-R, AMENDMENT 10)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule revises the comprehensive CHAMPUS regulation pertaining to payment for multiple surgical procedures performed during the same operative session. This final rule allows payment for second and subsequent surgical procedures at fifty percent of the CHAMPUS-determined allowable charge, whether or not the second and subsequent procedures are related i.e., performed through the same surgical opening as the first procedure.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7453
NPRM Comment Period End	04/10/87	52 FR 7453
Final Action	07/06/88	53 FR 25327
Final Action Effective	08/05/88	53 FR 25327

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Isaacson, Department of Defense, Office of the Secretary, **303 362-4005**

RIN: 0790–AA89

416. ● STRATEGIC DEFENSE INITIATIVE ORGANIZATION (SDIO) (DOD DIRECTIVE 5141.5)

Legal Authority: 10 USC 192

CFR Citation: 32 CFR 388

Legal Deadline: None

Abstract: This part establishes the Strategic Defense Initiative Organization (SDIO) as an agency of the Department of Defense and delineates its responsibilities, functions, relationships, and authorities.

Timetable:

Action	Date	FR Cite
Final Action	04/04/88	53 FR 10876
Final Action Effective	06/04/88	53 FR 10876

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Furtner, Department of Defense, Office of the Secretary, **202 695-4281**

RIN: 0790–AB08

417. ● AUDITS OF STATE AND LOCAL GOVERNMENTS (DOD DIRECTIVE 7600.10)

Legal Authority: PL 98-502, 98 Stat 2327; 31 USC 7501 note

CFR Citation: 32 CFR 266

Legal Deadline: None

Abstract: This part implements PL 98-502 and authorizes DoD components to provide for additional audits of Federal financial assistance when required by regulation or to ensure effective use of such assistance. It also specifies the responsibilities of the Inspector General, Department of Defense, and the Heads of DoD components for monitoring compliance with the provisions of the new 32 CFR 266.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/12/88	53 FR 24066
Final Action	06/27/88	53 FR 24066

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: V. Stone, Department of Defense, Office of the Secretary, **202 693-0017**

RIN: 0790–AB09

418. ● ARMED FORCES INSTITUTE OF PATHOLOGY (AFIP) (DOD DIRECTIVE 5154.24)

Legal Authority: 10 USC 133

CFR Citation: 32 CFR 390a

Legal Deadline: None

Abstract: This part is issued to incorporate changes to DoD Directive 5154.24, as requested, by the Department of Defense Inspector General, the Assistant Secretary of Defense (Comptroller), and the Military Departments. This part delineates the functions and responsibilities of the AFIP.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/24/88	53 FR 24442
Final Action	06/29/88	53 FR 24442

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Uddin, Department of Defense, Office of the Secretary, **202 695-7117**

RIN: 0790–AB10

419. ● ARMED FORCES RADIOBIOLOGY RESEARCH INSTITUTE (AFRRI) (DOD DIRECTIVE 5105.33)

Legal Authority: 10 USC 133

CFR Citation: 32 CFR 390

Legal Deadline: None

Abstract: This part establishes the Armed Forces Radiobiology Research Institute as a subordinate command of the Defense Nuclear Agency. This part updates and clarifies the responsibilities of the AFRRI. The Institute was established under the authority vested in the Secretary of Defense and serves as principal ionizing radiation radiobiology research laboratory for the Department of Defense.

Timetable:

Action	Date	FR Cite
Final Action	05/06/88	53 FR 16254
Final Action Effective	11/25/88	53 FR 16254

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Sphar, Department of Defense, Office of the Secretary, **202 697-8535**

RIN: 0790–AB11

420. ● SMOKING IN DOD OCCUPIED BUILDING (DOD INSTRUCTION 6015.18)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 203

Legal Deadline: None

Abstract: DoD Directive 1010.10, "Health Promotion" canceled DoD Instruction 6015.18. Therefore, 32 CFR 203 is removed.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/18/88	

Action	Date	FR Cite
Final Action	07/21/88	53 FR 27511

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. Hagey, Department of Defense, Office of the Secretary, 202 695-6800

RIN: 0790–AB12

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421. ● AVAILABILITY TO THE PUBLIC OF DEFENSE INTELLIGENCE AGENCY INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 292

Legal Deadline: None

Abstract: This final rule revises 32 CFR 292. This revision incorporates changes occasioned by the publication of DoD 5400.7-R (32 CFR Part 286).

Timetable:

Action	Date	FR Cite
Final Action	07/05/88	53 FR 25157
Final Action Effective	07/05/88	53 FR 25157

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Hardzog, Department of Defense, Office of the Secretary, 202 373-3910

RIN: 0790–AB13

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422. ● DIRECTOR OF ADMINISTRATION AND MANAGEMENT (DOD DIRECTIVE 5105.53)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 391

Legal Deadline: None

Abstract: This part establishes the Office of the Director of Administration and Management and delineates its responsibilities, functions, relationships, and authorities. An addition to the Defense Department organization makes this part necessary.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/25/88	53 FR 22649
Final Action	06/17/88	53 FR 22649

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Becker, Department of Defense, Office of the Secretary, 202 695-4281

RIN: 0790–AB14

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423. ● EMPLOYMENT AND VOLUNTEER WORK FOR SPOUSES OF MILITARY PERSONNEL (DOD DIRECTIVE 1400.33)

Legal Authority: 10 USC 113 note

CFR Citation: 32 CFR 105

Legal Deadline: None

Abstract: This part specifies that no DoD official shall, directly or indirectly, interfere with the right of spouses of military members to choose to pursue and hold a job, attend schools, or volunteer services on or off a military installation nor shall their decision, or the marital status of military members affect, favorably or adversely, military members' performance appraisals, assignments, or promotions.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/10/88	53 FR 15205
Final Action	04/28/88	53 FR 15205

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: K. O'Beirne, Department of Defense, Office of the Secretary, 202 697-7191

RIN: 0790–AB15

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424. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); THE MILITARY-CIVILIAN HEALTH SERVICES PARTNERSHIP PROGRAM (DOD 6010.8-R, AMENDMENT 11)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule revises DoD 6010.8-R to incorporate revisions resulting from Section 1096, Chapter 55, Title 10, United States Code, which establishes a Military-Civilian Health Services Partnership Program. Under this program, CHAMPUS beneficiaries can receive inpatient and outpatient care from civilian personnel providing health care services in military treatment facilities and from uniformed service professional providers in civilian facilities.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/01/88	53 FR 27960
Final Action	07/26/88	53 FR 27960

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Sabo, Department of Defense, Office of the Secretary, 303 361-4014

RIN: 0790–AB16

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425. ● RESERVE COMPONENTS COMMON PERSONNEL DATA SYSTEM (RCCPDS) (DOD INSTRUCTION 7730.54)

Legal Authority: 10 USC 261; 10 USC 267; 10 USC 275; 10 USC 511; 10 USC 651; 10 USC 652; 10 USC 671; 10 USC 1331; 10 USC 3914; 10 USC 6330; 10 USC 8914

CFR Citation: 32 CFR 114

Legal Deadline: None

Abstract: This part provides DoD policy and guidance for reporting Reserve Component categories, personnel transactions accounting, personnel data items, definitions, and accuracy standards to the Reserve Components Common Personnel Data System (RCCPDS). The RCCPDS is the computerized data base that has been established to meet the policy requirements and to provide statistical tabulations of Reserve Components strengths and related data for use throughout the Department of Defense, other Government Agencies, and the Congress.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/13/88	53 FR 20845
Final Action	06/07/88	53 FR 20844

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: K. Robinson, Department of Defense, Office of the Secretary, 202 696-5848

RIN: 0790–AB17

DOD—OS

Completed Actions

426. ● SERVICE BY MEMBERS OF THE ARMED FORCES ON STATE AND LOCAL JURIES (DOD DIRECTIVE 5525.8)

Significance: Agency Priority

Legal Authority: 10 USC 982

CFR Citation: 32 CFR 144

Legal Deadline: None

Abstract: This part implements 10 USC 982 by establishing uniform DoD policies concerning jury duty service by active-duty members. Section 502 of the FY 1987 Defense Authorization Act, PL 99-661, codified at 10 USC 982, authorized the Secretaries of the Military Departments to exempt active-duty members from State and local jury duty under certain conditions.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/13/88	53 FR 23579
Final Action	06/24/88	53 FR 23579

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Ketler, Department of Defense, Office of the Secretary, **202 697-3387**

RIN: 0790–AB18

427. ● VOLUNTARY EDUCATION PROGRAMS IN OVERSEAS AREAS (DOD INSTRUCTION 1322.19)

Legal Authority: PL 99-145, Sec 1212

CFR Citation: 32 CFR 72

Legal Deadline: None

Abstract: This part establishes responsibilities and procedures for providing civilian postsecondary education programs in overseas areas. The part also sets criteria to avoid unnecessary duplication of educational programs on military installations.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/09/88	53 FR 22648
Final Action	06/17/88	53 FR 22648

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Saltman, Department of Defense, Office of the Secretary, **202 695-9053**

RIN: 0790–AB19

428. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); MENTAL HEALTH COUNSELORS (DOD 6010.8-R AMENDMENT 8)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This amendment authorizes mental health providers. It adds mental health counselors as authorized mental health providers and states the specific requirements that must be met. The amendment will help assure that CHAMPUS beneficiaries have greater access to quality mental health services.

Timetable:

Action	Date	FR Cite
Final Action	02/24/88	53 FR 5370
Final Action Effective	02/24/88	53 FR 5370

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Michak, Department of Defense, Office of the Secretary, **303 361-4078**

RIN: 0790–AB20

429. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BIRTHING CENTERS AND ELIGIBILITY OF ADULT ADOPTEES MEDICAL BENEFITS (DOD 6010.8-R, AMENDMENT 9)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This amendment defines and establishes birthing centers as a category of institutional health care provider, prescribes the criteria for assessing a birthing center application for authorized status and the birthing center reimbursement method. It also clarifies the intent of 10 USC 1072(2) concerning eligibility of adopted children. This amendment is necessary to ensure that reasonable limits are placed on CHAMPUS eligibility.

Timetable:

Action	Date	FR Cite
Final Action	05/16/88	53 FR 17190
Final Action Effective	05/16/88	53 FR 17190

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790–AB21

DEPARTMENT OF DEFENSE (DOD)

Prerule Stage

Department of the Army (DOA)

430. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, **202 695-0562**

RIN: 0702–AA00

431. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Prescribes responsibilities and procedures with regard to use of U.S. Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, **703 272-7796**

RIN: 0702–AA02

432. ● REGULATIONS AFFECTING MILITARY RESERVATIONS: PROHIBITED ACTIVITIES AT FORT BRAGG, NC

Legal Authority: 10 USC 3012

CFR Citation: 32 CFR 552

Legal Deadline: None

Abstract: This regulation establishes the criteria for enforcement of certain State laws and installation rules pertaining to driving offenses and hunting and fishing privileges on the Fort Bragg installation. This regulation provides guidance on motor vehicle offenses and the requirements to obtain hunting and fishing privileges for anyone (military or civilian) employed on, visiting, or traveling through the above reservation.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/88	32 FR 552

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John O. Roach, Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, HQDA, SFIS-APP, Alexandria, VA, **703 325-6297**

RIN: 0702–AA17

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

433. ● PERSONAL CHECK CASHING CONTROL AND ABUSE PREVENTION

Legal Authority: 5 USC 5511 to 5512; 37 USC 1007; 18 USC 1382

CFR Citation: 32 CFR 527

Legal Deadline: None

Abstract: This regulation standardizes dishonored check procedures at check cashing facilities on Army installations and implements fair, but firm controls over dishonored check writers.

Timetable:

Action	Date	FR Cite
Final Action	05/27/88	53 FR 19286
Final Action Effective	06/27/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local

Agency Contact: John O. Roach, Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, HQDA, SFIS-APP, Alexandria, VA, **703 325-6297**

RIN: 0702–AA18

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

434. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Regulation Section, Department of Defense, U.S. Army Corps of Engineers,

DOD—COE — Proposed Rule Stage

Washington, DC 20314-1000, ATTN: CECW-OR, **202 272-0199**

RIN: 0710–AA17

435. NATIONWIDE PERMIT PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	10/16/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernie Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, **202 272-0199**

RIN: 0710–AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

436. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 401; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of Government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Sam Collinson, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, **202 272-0199**

RIN: 0710–AA12

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

437. ● AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATIONS OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Legal Authority: 5 USC 552a; 32 CFR 286a

CFR Citation: 32 CFR 701

Legal Deadline: None

Abstract: A new specific exemption rule is proposed to protect from access the personal information contained in a new record system.

Timetable:

Action	Date	FR Cite
Final Action	06/13/88	53 FR 22027
Final Action Effective	06/13/88	53 FR 22027

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gwen Aitken, Department of Defense, Department of the Navy, Office of Chief of Naval Operations, Washington, DC 20350-2000, **202 697-1459**

RIN: 0703–AA17

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

438. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

DOD—AF — **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt Col Hessenflow, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAR), Washington, DC 20330, 202 697-6701

RIN: 0701–AA18

439. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 842

Legal Deadline: None

Abstract: Establishes standard policies and procedures to administratively process claims and tort litigation involving the Air Force.

Timetable:

Action	Date	FR Cite
Begin Review	02/28/86	
End Review	01/31/88	
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt Col Kilroy, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1585

RIN: 0701–AA19

440. LEASING USAF AIRCRAFT AND RELATED EQUIPMENT TO NONGOVERNMENT ORGANIZATIONS

Legal Authority: 10 USC 2667

CFR Citation: None

Legal Deadline: None

Abstract: This regulation outlines USAF policies and procedures for the provision of leasing USAF aircraft and related equipment to nongovernment organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eric Kattner, Procurement Analyst, Department of Defense, Department of the Air Force, SAF/AQCM, Washington, DC 20330-1000, 202 695-4982

RIN: 0701–AA26

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

441. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR Chapter 53

Legal Deadline: None

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
48 CFR Ch 53, AFLC FARS; Surplus Material Acquisition	10/30/86	51 FR 39676
48 CFR 5315, AF FARS; Price Negotiation	03/04/87	52 FR 6590
48 CFR Ch 53, AFSC FARS; Contracting by Negotiation	09/14/87	52 FR 34692
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt Col Rick Hampton, Special Assistant for FAR, Department of Defense, Department of the Air Force, SAF/AQCF, 202 695-3858

RIN: 0701–AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

442. DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL (AFR 111-11)

Legal Authority: 10 USC 8013; 10 USC 814

CFR Citation: 32 CFR 884

Legal Deadline: None

Abstract: Regulation sets forth the authority, policy and procedures for delivery of Air Force personnel to United States civil authorities for trial.

Timetable:

Action	Date	FR Cite
Final Action	02/11/88	53 FR 4014
Final Action Effective	03/14/88	53 FR 4014

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Major James, Department of Defense, Department of the Air Force, HQ USAF/JAJM, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1539

RIN: 0701–AA20

443. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (ANGR 19-02)

Legal Authority: 10 USC 8013

CFR Citation: None

Legal Deadline: None

Abstract: Identifies Air National Guard's policies and procedures for the

Environmental Impact Analysis Process (EIAP).

Timetable:

Action	Date	FR Cite
No action expected next 12 months	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Householder, Environmental Engineer, Department of Defense, Department of the Air Force, ANGSC/DEV, Andrews AFB, MD 20331-6008, **301 981-4048**

RIN: 0701–AA22

444. PERSONAL FINANCIAL RESPONSIBILITY (AFR 35-18)

Legal Authority: 10 USC 8013; 15 USC 1673; 42 USC 659; 42 USC 661; 42 USC 662; 42 USC 665

CFR Citation: 32 CFR 818

Legal Deadline: None

Abstract: Establishes Air Force policy governing delinquent financial obligations and sets forth procedures for processing any claims of this nature. It is designed to ensure that Air Force members pay their just financial obligations in a proper and timely manner.

Timetable:

Action	Date	FR Cite
Final Action	06/30/88	53 FR 24688
Final Action Effective	06/30/88	53 FR 24688

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Taylor, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC2, Randolph AFB, TX 78150-6001, **512 652-3578**

RIN: 0701–AA23

445. ● AIR FORCE SYSTEMS COMMAND CONTRACTOR PERFORMANCE ASSESSMENT

Legal Authority: 10 USC 2305(a)(3)

CFR Citation: 32 CFR 838

Legal Deadline: None

Abstract: This part sets policy, assigns responsibilities, and provides implementing procedures for systematically assessing contractor performance on current contracts. It will assess contractor performance on current AFSC contracts for use in future contract award decisions.

Timetable:

Action	Date	FR Cite
NPRM	03/23/88	53 FR 9455
NPRM Comment Period End	04/22/88	53 FR 9455
Final Action	08/11/88	53 FR 30253
Final Action Effective	09/01/88	53 FR 30253

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Wright, Department of Defense, Department of the Air Force, HQ AFSC/PKCP, Andrews AFB DC 20334, **301 981-4022**

RIN: 0701–AA27

[FR Doc. 88-22737 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin 88-15 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 88-15, dated June 27, 1988, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: October 17, 1988.

Diane Weinstein,

Acting General Counsel.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
446	U.S. Exchange Visitor Program - Request for Waiver of the Two- year Foreign Residence Requirement	1880-AA29

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
447	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
448	Uniform Administrative Requirements for Grants and Cooperative Agreements	1880-AA34
449	General Education Provisions Act - Enforcement	1880-AA35

ED

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
450	Debt Collection; Interest on Outstanding Debts	1880-AA03
451	Education Department General Administrative Regulations -- Amendments II	1880-AA24
452	Technical Amendments to Program Regulations	1880-AA33

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
453	Debt Collection	1880-AA09
454	Audit Requirements for State and Local Governments	1880-AA26
455	Debarment and Suspension (Nonprocurement)	1880-AA25
456	Family Educational Rights and Privacy Act	1880-AA08
457	Education Department Acquisition Regulation (EDAR)	1880-AA16

Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
458	Bilingual Education: Technical Amendments	1885-AA17
459	Transition Program for Refugee Children	1885-AA10
460	Bilingual Education: State Educational Agency Program	1885-AA18

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
461	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs - Accessibility Standards	1870-AA09
462	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
463	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1870-AA08
464	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
465	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
466	Secretary's Fund for Innovation in Education	1850-AA35
467	Fund for the Improvement and Reform of Schools and Teaching	1850-AA33
468	College Library Resources Program	1850-AA21

ED

Office of Educational Research and Improvement—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
469	National Diffusion Network	1850-AA19

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
470	Dwight D. Eisenhower Mathematics and Science Education Program - National Programs	1850-AA34
471	Territorial Teacher Training Assistance Program	1850-AA10

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
472	Star Schools Program	1850-AA32
473	Educational Research Grant Program	1850-AA23
474	Regional Educational Laboratories and Research and Development Centers Program: General Provisions; Regional Educational Laboratories; and Research and Development Centers	1850-AA28
475	Library Career Training Program	1850-AA24
476	Strengthening Research Library Resources Program	1850-AA22
477	College Library Technology and Cooperation Grants	1850-AA26
478	National Assessment of Educational Progress	1850-AA31

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
479	Dwight D. Eisenhower Mathematics and Science Education Program	1810-AA40
480	Federal, State, and Local Partnership for Educational Improvement	1810-AA49
481	Assistance for Educationally Deprived Children in Local Educational Agencies	1810-AA50
482	Financial Assistance to State Educational Agencies to Meet Special Educational Needs of Migratory Children	1810-AA48
483	Chapter 1 for Neglected or Delinquent Children	1810-AA46
484	Even Start Migrant Education Program	1810-AA39
485	Even Start Program	1810-AA47
486	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted Districts; Avg. Daily	1810-AA20
487	Christa McAuliffe Fellowship Program	1810-AA35
488	Women's Educational Equity Act Program	1810-AA16
489	Indian Education Formula Grant Program -- Local Educational Agencies	1810-AA43
490	Indian Education General Provisions and Discretionary Grant Programs - Amendments to Selection Criteria	1810-AA51
491	Indian Fellowship Program	1810-AA44
492	Magnet Schools Assistance Program	1810-AA13

ED

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
493	Financial Assistance to State Educational Agencies to Improve Interstate and Intrastate Coordination of Activities	1810-AA42
494	Assistance for Local Ed. Agencies in Areas Affected by Federal Activities and Arrangements for Ed. of Children where Local Edu- cation Agencies Cannot Provide Suitable Free Public Education	1810-AA45

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
495	Assist. for Local Educational Agencies (LEAs) in Areas Affected by Fed. Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed. - Tech. Amendments	1810-AA41
496	Indian Education Act - Formula Grants to LEAs and Tribal Schools Amendments (Certification of Eligibility)	1810-AA28
497	Indian Education: Formula Grants to LEAs and Tribal Schools; Indian-Controlled Schools Enrichment; Indian Fellowship Program (Amendments)	1810-AA36

Office of Planning and Budget and Evaluation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
498	Protection of Human Subjects in Research	1875-AA07

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
499	Institutional Eligibility Conversion of Clock Hours	1840-AA32
500	Eligibility of Foreign Postsecondary Educational Institutions Under the Guaranteed Student Loan Program	1840-AB20
501	Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs--Targeted Teacher Deferments	1840-AB03
502	Direct Individual Foreign Language and Area Studies Fellowship Program	1840-AB27
503	Student Assistance General Provisions - Verification	1840-AB07
504	Student Assistance General Provisions and Institutional Eligibility--Secretary's Accountability Initiatives	1840-AB18
505	Student Assistance General Provisions -- Miscellaneous Amendments Selective Service, Refund Requirements	1840-AB19
506	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs--(Miscellaneous changes)	1840-AB22
507	Guaranteed Student Loan/PLUS/Supplemental Loans for Students/ Consolidation Loan Programs	1840-AA96
508	Treatment of Territories and Territorial Student Assistance	1840-AA74

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
509	Strengthening Historically Black Colleges and Universities - Strengthening Institutions Programs	1840-AA62
510	Training Program for Special Program Staff and Leadership Personnel	1840-AB01
511	Robert C. Byrd Honors Scholarship Program	1840-AB06
512	Student Assistance General Provisions, Guaranteed Loan/PLUS, and Supplemental Loans for Student's Programs--Default Reduction	1840-AB21
513	Language Resource Centers Program	1840-AA67
514	Summer Intensive Language Institutes	1840-AA68
515	Foreign Periodicals Program	1840-AA69

ED

Office of Postsecondary Education—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
516	Income Contingent Loan Program - Due Diligence	1840-AB04
517	Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs -- Treatment of Non-need Based Earnings	1840-AB25

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
518	Secretary's Procedures and Criteria for Recognition of Accrediting Agencies	1840-AA57
519	Strengthening Historically Black Colleges and Universities	1840-AB00
520	Drug Prevention Programs in Higher Education	1840-AB11
521	Talent Search Program	1840-AB12
522	Educational Opportunity Centers Program	1840-AB13
523	National Resource Centers Program for Foreign Language and Area Studies or Foreign Language and International Studies	1840-AA65
524	Foreign Language and Area Studies Fellowships Program	1840-AA66
525	Student Assistance General Provisions - Subpart A	1840-AB23
526	Disclosure of Foreign Gifts	1840-AA75

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
527	State Operated or Supported Programs for Handicapped Children	1820-AA83
528	Services for Deaf-Blind Children and Youth Program	1820-AA53
529	Technology - Related Assistance for Individuals with Disabilities	1820-AA84
530	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
531	Rehabilitation Services Administration General Deregulation	1820-AA45
532	The State Independent Living Rehabilitation Services Program - Deregulation	1820-AA37
533	Centers for Independent Living - Standards and Evaluation Indicators	1820-AA81
534	Projects with Industry - Compliance Indicators	1820-AA82

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
535	Assistance to States for Education of Handicapped Children	1820-AA71
536	Preschool Grants for Handicapped Children's Program	1820-AA48
537	Early Intervention Program for Infants and Toddlers with Handicaps	1820-AA49
538	Training Personnel for the Education of the Handicapped - Parent Training and Information Centers; Special Projects; and General	1820-AA68
539	Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program	1820-AA61
540	Vocational Rehabilitation Services to Individuals with Severe Handicaps/Special Projects and Demonstrations for Providing Supported Employment Serv. to Individuals with Severe Handicaps	1820-AA76

ED

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
541	Handicapped Special Studies Program	1820-AA72
542	Field Initiated Research	1820-AA80
543	National Institute on Disability and Rehabilitation Research-- Research Training and Career Development Program	1820-AA77
544	The State Vocational Rehabilitation Services Program	1820-AA40
545	Miscellaneous Technical Amendments to the Rehabilitation Services Regulations	1820-AA39
546	Independent Living Services for Older Blind Individuals	1820-AA41

Office of Vocational and Adult Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
547	State Administered Adult Education Program and Secretary's Discretionary Programs of Adult Education	1830-AA06

Office of Vocational and Adult Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
548	Vocational Education Programs - Amendments	1830-AA05

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
549	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00

Office of the General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
550	Equal Access to Justice	1801-AA01

Office of the General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
551	Program Fraud Civil Remedies	1801-AA05
552	Consolidated Appeal Regulation	1801-AA02

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Prerule Stage

446. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO- YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 050

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/88	
End Review	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Tinsman, Director International and Territorial, Affairs Staff, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, 202 732-5430

RIN: 1880–AA29

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

447. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 012

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David B. Hakola, Staff Assistant, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, 202 245-0306

RIN: 1880–AA27

448. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074

Legal Deadline: None

Abstract: These regulations propose government-wide administrative requirements for grants and cooperative agreements to State and local governments, non-profit and commercial organizations, hospitals and institutions of higher education. These regulations are based on OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3122, ROB-3, Washington, DC, 202 732-7400

RIN: 1880–AA34

449. ● GENERAL EDUCATION PROVISIONS ACT - ENFORCEMENT

Legal Authority: PL 100-297

CFR Citation: 34 CFR 081

Legal Deadline: None

Abstract: These regulations will govern the enforcement of legal requirements under most grant programs administered by the Secretary of Education. The regulations will implement amendments to Part E of the General Education Provisions Act enacted in PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barry W. Stevens, Counsel, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 4091, Washington, DC, 20202, 202 732-2730

RIN: 1880–AA35

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

450. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 3474(a); 31 USC 3717

CFR Citation: 34 CFR 030

Legal Deadline: None

Abstract: These regulations would establish Departmental policies for assessing interest on outstanding debts and implementing the interest assessment provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period End	08/27/84	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Betty Hepake, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3091, FOB-6), Washington, DC 20202, **202 732-4103**

RIN: 1880–AA03

451. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 74; 34 CFR 75; 34 CFR 76; 34 CFR 77

Legal Deadline: None

Abstract: See Preamble. The Department is proposing miscellaneous amendments to update and improve the regulations in 34 CFR Parts 74, 75, 76, and 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31580
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3122, ROB-3), Washington, DC 20202, **202 732-7400**

RIN: 1880–AA24

452. ● TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 080

Legal Deadline: None

Abstract: On March 11, 1988, the Department published in a new 34 CFR Part 80 regulations to implement the General Administrative Provisions in Office of Management and Budget (OMB) revised Circular A-102. These amendments to program regulations specify the extent to which the Part 80 regulations apply to the programs of the Department. Circular A-102 applies to State and local governments. On March 11, the Department also revised its existing General Administrative Provisions in Part 74. Part 74 formerly applied to all grantees. The March 11, amendments restricted the scope of Part 74 so it would no longer apply to State and local governments. These amendments also specify the extent to which Part 74 applies to the programs of the Department.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: RIN 1880-AA26 now a part of this document

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3122, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA33

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

453. DEBT COLLECTION

Significance: Regulatory Program

CFR Citation: 34 CFR 030

Completed:

Reason	Date	FR Cite
Final Action	08/30/88	53 FR 33424

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Neilson 202 732-4194

RIN: 1880–AA09

454. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

CFR Citation: 34 CFR 074

Completed:

Reason	Date	FR Cite
Withdrawn - now part of RIN 1880-AA33	08/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Guido Piacesi 202 245-0271

RIN: 1880–AA26

455. DEBARMENT AND SUSPENSION (NONPROCUREMENT)

CFR Citation: 34 CFR 85

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	07/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Jane Kane 202 732-7400

RIN: 1880–AA25

456. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

CFR Citation: 34 CFR 099

Completed:

Reason	Date	FR Cite
Final Action	04/11/88	53 FR 11942
Final Action Effective	05/26/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: LeRoy Rooker 202 732-2057

RIN: 1880–AA08

457. EDUCATION DEPARTMENT ACQUISITION REGULATION (EDAR)

CFR Citation: 48 CFR "Chapter 34"

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19118
Final Action Effective	07/19/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Galloway 202 732-2525

RIN: 1880–AA16

DEPARTMENT OF EDUCATION (ED)

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Final Rule Stage

458. ● BILINGUAL EDUCATION: TECHNICAL AMENDMENTS

Legal Authority: 20 USC 3281 to 3341

CFR Citation: 34 CFR 500; 34 CFR 501; 34 CFR 524; 34 CFR 525; 34 CFR 526; 34 CFR 548; 34 CFR 561; 34 CFR 562; 34 CFR 573; 34 CFR 574

Legal Deadline: None

Abstract: These final regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary T. Mahony, Acting Director, Division of National Programs, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 5624, Switzer Bldg., Washington, DC 20202, 202 732-5728

RIN: 1885–AA17

459. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	02/26/88	53 FR 5956
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW (Rm. 421 Rptrs. Bldg.), Washington, DC 20202, 202 732-5070

RIN: 1885–AA10

460. ● BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

Legal Authority: 20 USC 3281 to 3341

CFR Citation: 34 CFR 548

Legal Deadline: None

Abstract: These final regulations implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luis A. Catarineau, Bilingual and Minority Languages Affairs, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 5086, Switzer Bldg., Washington, DC 20202, 202 732-5700

RIN: 1885–AA18

DEPARTMENT OF EDUCATION (ED)

Office for Civil Rights (OCR)

Proposed Rule Stage

461. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS - ACCESSIBILITY STANDARDS

Legal Authority: 29 USC 794; 29 USC 1405

CFR Citation: 34 CFR 104

Legal Deadline: None

Abstract: These proposed amendments would include a cross-reference to the Uniform Federal Accessibility Standards in federally assisted programs or activities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terence J. Pell, Deputy Assistant Secretary, for Policy, Department of Education, Office for Civil Rights, 400 Maryland Ave., SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870–AA09

ED—OCR

Proposed Rule Stage

462. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Terence J. Pell, Deputy Assistant Secretary, for Policy, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870–AA06

DEPARTMENT OF EDUCATION (ED)

Office for Civil Rights (OCR)

Final Rule Stage

463. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 105

Legal Deadline: None

Abstract: This regulation would specify the applicability of Sec. 504 of the Rehabilitation Act of 1973 to the federally conducted pro- grams of the Department of Education. Sec. 504 prohibits discrimination on the basis of an individual's handicap.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	53 FR 10808
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathy Hogancamp, Special Advisor, Management, Department of Education, Office for Civil Rights, Department of Education, 400 Md. Ave., SW, Rm. 3021, FOB-6, Washington, D.C. 20202, 202 732-2057

RIN: 1870–AA08

464. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Terence J. Pell, Deputy Assistant Secretary, for Policy, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870–AA05

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Proposed Rule Stage

465. PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Legal Authority: PL 100-297

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions in the Education for Economic Security Act, as amended by PL 100 - 297.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Wooten, Secretary's Discretionary Fund Staff, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 4132, FOB-6, Washington, DC 20202-5524, 202 732-3566

RIN: 1850–AA15

466. ● SECRETARY'S FUND FOR INNOVATION IN EDUCATION

Legal Authority: PL 100-297

CFR Citation: 34 CFR 731; 34 CFR 732; 34 CFR 733; 34 CFR 734

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

ED—OERI **Proposed Rule Stage**

Government Levels Affected: Undetermined

Agency Contact: William Wooten, Director, Secretary's Discretionary Fund Staff, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Room 4132, Washington, DC 20202-5524, 202 732-3566

RIN: 1850–AA35

467. ● FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

Legal Authority: PL 100-297

CFR Citation: 34 CFR 757; 34 CFR 758

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Weinberg, Education Program Specialist, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave., NW, Rm. 510, Capitol Place Bldg., Washington, DC 20208-5645, 202 357-6134

RIN: 1850–AA33

468. COLLEGE LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 773

Legal Deadline: None

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave. NW, Rm. 402, Capitol Place Bldg., Washington DC 20208-5571, 202 357-6315

RIN: 1850–AA21

469. ● NATIONAL DIFFUSION NETWORK

Legal Authority: PL 100-297

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Weinberg, Education Program Specialist, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave. NW, Room 510, Capitol Place Bldg., Washington,DC 20208-5645, 202 357-6134

RIN: 1850–AA19

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Educational Research and Improvement (OERI)

470. ● DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION PROGRAM - NATIONAL PROGRAMS

Legal Authority: PL 100-297

CFR Citation: 34 CFR 755

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Wooten, Director, Secretary's Discretionary Fund Staff, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Room 4132, Washington, DC 20202, 202 732-3566

RIN: 1850–AA34

471. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

Legal Authority: PL 100-297

CFR Citation: 34 CFR 790

Legal Deadline: None

Abstract: These regulations amend 34 CFR 790.2 (Eligible Parties) to promote increased participation in the Territorial Teacher Training Program on the part of the institutions of higher education in each respective territory.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46785
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Haroldie Spriggs, Project Officer, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave., NW, Rm. 502, Capitol Place Bldg., Washington, DC 20208-5644, 202 357-6149

RIN: 1850–AA10

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

472. STAR SCHOOLS PROGRAM

CFR Citation: 34 CFR 000

Completed:

Reason	Date	FR Cite
Withdrawn	08/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Withrow 202 357-6126

RIN: 1850–AA32

473. EDUCATIONAL RESEARCH GRANT PROGRAM

CFR Citation: 34 CFR 700

Completed:

Reason	Date	FR Cite
Final Action	07/18/88	53 FR 27108
Final Action Effective	09/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helen O'Leary 202 357-6239

RIN: 1850–AA23

474. REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAM: GENERAL PROVISIONS; REGIONAL EDUCATIONAL LABORATORIES; AND RESEARCH AND DEVELOPMENT CENTERS

CFR Citation: 34 CFR 706; 34 CFR 707; 34 CFR 708

Completed:

Reason	Date	FR Cite
Final Action	08/15/88	53 FR 30790
Final Action Effective	09/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Helen O'Leary 202 357-6239

RIN: 1850–AA28

475. LIBRARY CAREER TRAINING PROGRAM

CFR Citation: 34 CFR 776

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19138
Final Action Effective	07/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Louise V. Sutherland 202 357-6315

RIN: 1850–AA24

476. STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

CFR Citation: 34 CFR 778

Completed:

Reason	Date	FR Cite
Final Action	05/13/88	53 FR 17150
Final Action Effective	06/27/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Louise V. Sutherland 202 357-6315

RIN: 1850–AA22

477. COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS

CFR Citation: 34 CFR 779

Completed:

Reason	Date	FR Cite
Final Action	07/18/88	53 FR 27114
Final Action Effective	09/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Louise V. Sutherland 202 357-6315

RIN: 1850–AA26

478. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

CFR Citation: 34 CFR 796

Completed:

Reason	Date	FR Cite
Withdrawn	08/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maureen Treacy 202 357-6734

RIN: 1850–AA31

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

479. ● DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION PROGRAM

Legal Authority: 20 USC 2981 to 2993

CFR Citation: 34 CFR 208

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen Schmieder, Math and Science Section, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2040, Washington, DC 20202-6437, 202 732-4336

RIN: 1810–AA40

480. ● FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

Legal Authority: 20 USC 2911 to 2952; 20 USC 2971 to 2976

CFR Citation: 34 CFR 76; 34 CFR 80; 34 CFR 298

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Zulla Toney, Block Grants Section, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2040, Washington, DC 20202-6437, **202 732-4156**

RIN: 1810–AA49

481. ● ASSISTANCE FOR EDUCATIONALLY DEPRIVED CHILDREN IN LOCAL EDUCATIONAL AGENCIES

Legal Authority: 20 USC 2701 et seq

CFR Citation: 34 CFR 75; 34 CFR 76; 34 CFR 78; 34 CFR 200; 34 CFR 204

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Ogura, Chief, Program Policy Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2013, Washington, DC 20202-6132, **202 732-4701**

RIN: 1810–AA50

482. ● FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Legal Authority: 20 USC 2781; 20 USC 2782

CFR Citation: 34 CFR 201

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, **202 732-4758**

RIN: 1810–AA48

483. ● CHAPTER 1 FOR NEGLECTED OR DELINQUENT CHILDREN

Legal Authority: 20 USC 2721(a); 20 USC 2724(b); 20 USC 2728(a),(b),(d); 20 USC 2729(b); 20 USC 2801 to 2804; 20 USC 2811; 20 USC 2812; 20 USC 2824(a),(b); 20 USC 2831(a); 20 USC 2835(a),(d); 20 USC 2838(a),(b),(c); 20 USC 2851; 20 USC 2853; 20 USC 2891

CFR Citation: 34 CFR 203

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Ogura, Chief, Program Policy Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2013, Washington, DC 20202-6132, **202 732-4701**

RIN: 1810–AA46

484. ● EVEN START MIGRANT EDUCATION PROGRAM

Legal Authority: 20 USC 2743

CFR Citation: 34 CFR 212

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, **202 732-4758**

RIN: 1810–AA39

485. ● EVEN START PROGRAM

Legal Authority: 20 USC 2741 to 2749; 20 USC 2831

CFR Citation: 34 CFR 212

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

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Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Fagan, Compensatory Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2043, Washington, DC 20202-6132, 202 732-4682

RIN: 1810–AA47

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486. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.–HEAVILY IMPACTED DISTRICTS; AVG. DAILY

Legal Authority: 20 USC 236; 20 USC 238; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would implement section 3(d)(2)(B) of the Impact Aid law, PL 81-874, which authorizes supplemental payments enabling LEAs that are heavily impacted by federally connected children to provide a level of education that is equivalent to that maintained in comparable school districts. These regulations would also establish definitions and procedures for calculating payments for local educational agencies in states that do not collect average daily attendance data. These regulations would also implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2079, Washington, DC 20202-6263, 202 732-4655

RIN: 1810–AA20

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487. ● CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1113 to 1113e

CFR Citation: 34 CFR 237

Legal Deadline: None

Abstract: These proposed regulations would establish a minimum and partial amount for which fellowships may be awarded and would also clarify the redistribution method used by the Department if States do not comply with certain requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard LaPointe, Deputy Assistant Secretary, Regulations, Innovation and Development, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2181, Washington, DC 20202-6122, 202 732-5113

RIN: 1810–AA35

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488. ● WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Legal Authority: 20 USC 3041 to 3047

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Legal Deadline: None

Abstract: See Preamble. These proposed regulations would also implement certain provisions of the Education Amendments of 1984, PL 98-511 and the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alice T. Ford, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2053, Washington, DC 20202-6439, 202 732-4351

RIN: 1810–AA16

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489. ● INDIAN EDUCATION FORMULA GRANT PROGRAM – LOCAL EDUCATIONAL AGENCIES

Legal Authority: 25 USC 2601 to 2606

CFR Citation: 34 CFR 251

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sylvia Wright, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2177, Washington, DC 20202-6139, 202 732-1938

RIN: 1810–AA43

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490. ● INDIAN EDUCATION GENERAL PROVISIONS AND DISCRETIONARY GRANT PROGRAMS - AMENDMENTS TO SELECTION CRITERIA

Legal Authority: 25 USC 2602(c); 25 USC 2621(a),(c); 25 USC 2621(a),(b); 25 USC 2621(d); 25 USC 2622; 25 USC 2631(a),(b)

CFR Citation: 34 CFR 252; 34 CFR 253; 34 CFR 254; 34 CFR 256; 34 CFR 257; 34 CFR 258

Legal Deadline: None

Abstract: These proposed amendments would clarify the criteria that serve as standards for assessing the merit of applications. This change will improve the process for selecting grantees. The weights assigned to the criteria for the Education Personnel Development Programs will be revised to give more emphasis to the need to assure that

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participants will serve Indian children after completing their training.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	
Final Action	10/01/89	
Effective		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian Stacey, Acting Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2177, Washington, DC 20202-6138, 202 732-1887

RIN: 1810–AA51

491. ● INDIAN FELLOWSHIP PROGRAM

Legal Authority: 20 USC 2623

CFR Citation: 34 CFR 263

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothea Perkins, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2164, Washington, DC 20202-6139, 202 732-1909

RIN: 1810–AA44

492. ● MAGNET SCHOOLS ASSISTANCE PROGRAM

Legal Authority: 20 USC 3021 to 3032

CFR Citation: 34 CFR 280

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie Mack, Magnet Schools Assistance Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2057, Washington, DC 20202-6440, 202 732-4358

RIN: 1810–AA13

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Elementary and Secondary Education (OESE)

493. ● FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO IMPROVE INTERSTATE AND INTRASTATE COORDINATION OF ACTIVITIES

Legal Authority: 20 USC 2783

CFR Citation: 34 CFR 205

Legal Deadline: None

Abstract: These final regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, 202 732-4758

RIN: 1810–AA42

494. ● ASSISTANCE FOR LOCAL ED. AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LOCAL EDUCATION AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Legal Authority: 20 USC 236 to 241-1

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These final regulations would implement changes in eligibility and entitlement determinations for local educational agencies that apply for assistance under section 2 of this program.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2079, Washington, DC 20202-6263, 202 732-4655

RIN: 1810–AA45

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Elementary and Secondary Education (OESE)

495. ● ASSIST. FOR LOCAL EDUCATIONAL AGENCIES (LEAS) IN AREAS AFFECTED BY FED. ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. - TECH. AMENDMENTS

Legal Authority: 20 USC 241-1; 20 USC 646; 20 USC 236 to 244

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These final regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	10/04/88	53 FR 39018

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2079, Washington, DC 20202-6263, 202 732-4655

RIN: 1810–AA41

496. INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS AMENDMENTS (CERTIFICATION OF ELIGIBILITY)

CFR Citation: 34 CFR 251

Completed:

Reason	Date	FR Cite
Withdrawn	05/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ervin Keith 202 732-1887

RIN: 1810–AA28

497. INDIAN EDUCATION: FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS; INDIAN-CONTROLLED SCHOOLS ENRICHMENT; INDIAN FELLOWSHIP PROGRAM (AMENDMENTS)

CFR Citation: 34 CFR 251; 34 CFR 253; 34 CFR 263

Completed:

Reason	Date	FR Cite
Withdrawn	05/10/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ervin Keith 202 732-1887

RIN: 1810–AA36

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Planning and Budget and Evaluation (OPBE)

498. ● PROTECTION OF HUMAN SUBJECTS IN RESEARCH

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 097

Legal Deadline: None

Abstract: These regulations would implement procedures to protect human research subjects and implement a recommendation from the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The regulations set forth a common Federal policy for the protection of human subjects accepted by the Office of Science and Technology Policy in the Executive Office of the President.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Glassman, Evaluation Systems Expert, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW, Room 3127, Washington, DC 20202, 202 732-3132

RIN: 1875–AA07

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Postsecondary Education (OPE)

499. ● INSTITUTIONAL ELIGIBILITY CONVERSION OF CLOCK HOURS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1094(c)(3); 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None

Abstract: These proposed amendments contain provisions for evaluating the conversion of educational programs from clock hours to credit hours by eligible institutions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia G. Re, Division of Eligibility And Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 3030, ROB-3, Washington, DC 20202, 202 732-4906

RIN: 1840–AA32

500. ELIGIBILITY OF FOREIGN POSTSECONDARY EDUCATIONAL INSTITUTIONS UNDER THE GUARANTEED STUDENT LOAN PROGRAM

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 601

Legal Deadline: None

Abstract: These regulations would establish procedures and criteria the Secretary would use to determine the eligibility of institutions located outside the United States for participation in student loan programs authorized under Titles IV, Part B of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia Re, Division of Eligibility, and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 3030 - ROB-3, Washington,DC 20202, 202 732-4906

RIN: 1840–AB20

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501. PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM AND GUARANTEED STUDENT LOAN AND PLUS PROGRAMS--TARGETED TEACHER DEFERMENTS

Legal Authority: 20 USC 1111b

CFR Citation: 34 CFR 653; 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W. (Rm. 4310 - ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840–AB03

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502. ● DIRECT INDIVIDUAL FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1122

CFR Citation: 34 CFR 659

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Higher Education Act of 1965, as Amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph F. Belmonte, Acting Deputy Director, Center for International, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, ROB-3 Room 3054, Washington, DC 20202, 202 732-3304

RIN: 1840–AB27

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503. STUDENT ASSISTANCE GENERAL PROVISIONS - VERIFICATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), Tax Reform Act of 1986, and the Compact of Free Association.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lorraine Kennedy, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Room 4613 - ROB-3), Washington, DC 20202, 202 245-2724

RIN: 1840–AB07

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504. STUDENT ASSISTANCE GENERAL PROVISIONS AND INSTITUTIONAL ELIGIBILITY--SECRETARY'S ACCOUNTABILITY INITIATIVES

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These regulations would be designed to help achieve better accountability in the student financial aid programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John DeCleene, Policy Director, Pell Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318, ROB-3, Washington, DC 20202, 202 732-4888

RIN: 1840–AB18

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505. STUDENT ASSISTANCE GENERAL PROVISIONS – MISCELLANEOUS AMENDMENTS SELECTIVE SERVICE, REFUND REQUIREMENTS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would amend the provisions related to selective service requirements and make other miscellaneous changes in the student assistance general provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

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Government Levels Affected: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318 - ROB-3, Washington, DC 20202, 202 732-4888

RIN: 1840–AB19

506. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS--(MISCELLANEOUS CHANGES)

Legal Authority: 20 USC 1087aa to 1087hh

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These proposed regulations would further implement provisions of the Higher Education Amendments of 1986. The regulations would also establish procedures that would make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant program with respect to collection of outstanding overpayments.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus & State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4018 - ROB-3, Washington, DC 20202, 202 732-4490

RIN: 1840–AB22

507. GUARANTEED STUDENT LOAN/PLUS/SUPPLEMENTAL LOANS FOR STUDENTS/ CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840–AA96

508. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

Legal Authority: 20 USC 1144a

CFR Citation: 34 CFR 696

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498), as amended by PL 100-369.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Whitlock, Office of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4060 ROB-3), Washington, DC 20202, 202 732-3551

RIN: 1840–AA74

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

509. ● STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES - STRENGTHENING INSTITUTIONS PROGRAMS

Legal Authority: PL 100-369

CFR Citation: 34 CFR 608; 34 CFR 625

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of l965, as amended by PL 100-369.

Timetable:

Action	Date	FR Cite
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard L. Fairley, Chief, Program Services Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 3006, ROB-3, Washington, DC 20202, 202 732-2592

RIN: 1840–AA62

510. TRAINING PROGRAM FOR SPECIAL PROGRAM STAFF AND LEADERSHIP PERSONNEL

Legal Authority: PL 99-498

CFR Citation: 34 CFR 642

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 27324
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Davis, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland

ED—OPE **Final Rule Stage**

Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840–AB01

511. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Legal Authority: 20 USC 1070d-31 to 1070d-41

CFR Citation: 34 CFR 654

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38660
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steve Wingared, Chief, State Student Incentive, Grant Program, Department of Education, Office of Postsecondary Education, 400 Md. Ave., (Rm. 4018, ROB-3), Washington, D.C. 20202, **202 732-4507**

RIN: 1840–AB06

512. STUDENT ASSISTANCE GENERAL PROVISIONS, GUARANTEED LOAN/PLUS, AND SUPPLEMENTAL LOANS FOR STUDENT'S PROGRAMS--DEFAULT REDUCTION

Significance: Regulatory Program

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 668; 34 CFR 682

Legal Deadline: None

Abstract: These regulations would establish procedures to increase institutional responsibilities in the administration of these programs, as well as provide procedures that the Secretary would use to implement the Default Reduction Initiative Program.

Timetable:

Action	Date	FR Cite
NPRM	09/16/88	53 FR 36216
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4310 - ROB-3, Washington, DC 20202, **202 732-4242**

RIN: 1840–AB21

513. LANGUAGE RESOURCE CENTERS PROGRAM

Legal Authority: 20 USC 1123

CFR Citation: 34 CFR 669

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	02/02/88	53 FR 2918
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3045 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840–AA67

514. SUMMER INTENSIVE LANGUAGE INSTITUTES

Legal Authority: 20 USC 1124a

CFR Citation: 34 CFR 670

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22072
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840–AA68

515. FOREIGN PERIODICALS PROGRAM

Legal Authority: 20 USC 1125a

CFR Citation: 34 CFR 671

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49122
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840–AA69

516. INCOME CONTINGENT LOAN PROGRAM - DUE DILIGENCE

Legal Authority: 20 USC 1087a to 1087e

CFR Citation: 34 CFR 673

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments Act of 1986 (99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/25/87	52 FR 45576
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney McCullough, Division of Policy and Program, Development, Department of Education,

ED—OPE

Final Rule Stage

Office of Postsecondary Education, 400 Md. Ave.,SW, (Rm. 4318, ROB-3), Washington, DC 20202, 202 732-4888

RIN: 1840–AB04

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517. ● PERKINS LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS – TREATMENT OF NON-NEED BASED EARNINGS

Legal Authority: 20 USC 1087dd to 1087hh

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These regulations would revise the definition of need-based employment and establish consistency in the treatment of earnings between Part F of the Higher Education Act of 1965 and the campus based programs.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland, Ave., SW, Room 4018, ROB-3, Washington, DC 20202, 202 732-4490

RIN: 1840–AB25

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

518. SECRETARY'S PROCEDURES AND CRITERIA FOR RECOGNITION OF ACCREDITING AGENCIES

Significance: Regulatory Program

CFR Citation: 34 CFR 602; 34 CFR 603

Completed:

Reason	Date	FR Cite
Final Action	07/01/88	53 FR 25088
Final Action Effective	09/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James B. Williams 202 245-9758

RIN: 1840–AA57

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519. ● STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

CFR Citation: 34 CFR 608

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by PL 100-369.

Timetable:

Action	Date	FR Cite
Withdrawn - now part of RIN 1840-AA62	08/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard L. Fairley, Chief, Program Services Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 3006, ROB-3, Washington, DC 20202, 202 732-2592

RIN: 1840–AB00

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520. DRUG PREVENTION PROGRAMS IN HIGHER EDUCATION

CFR Citation: 34 CFR 612

Completed:

Reason	Date	FR Cite
Final Action	06/30/88	53 FR 24884
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald Bucknam 202 245-8100

RIN: 1840–AB11

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521. TALENT SEARCH PROGRAM

CFR Citation: 34 CFR 643

Completed:

Reason	Date	FR Cite
Withdrawn	08/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840–AB12

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522. EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

CFR Citation: 34 CFR 644

Completed:

Reason	Date	FR Cite
Withdrawn	08/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840–AB13

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523. NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES OR FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

CFR Citation: 34 CFR 657

Completed:

Reason	Date	FR Cite
Final Action	05/20/88	53 FR 18228
Final Action Effective	07/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840–AA65

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524. FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

CFR Citation: 34 CFR 657

ED—OPE **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	04/01/88	53 FR 10820
Final Action Effective	05/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840–AA66

525. STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART A

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Withdrawn	08/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Sellers 202 732-4888

RIN: 1840–AB23

526. DISCLOSURE OF FOREIGN GIFTS

CFR Citation: 34 CFR 680

Completed:

Reason	Date	FR Cite
Withdrawn	05/13/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan E. Duval 202 245-9703

RIN: 1840–AA75

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Proposed Rule Stage

527. ● STATE OPERATED OR SUPPORTED PROGRAMS FOR HANDICAPPED CHILDREN

Legal Authority: 20 USC 2791 to 2796

CFR Citation: 34 CFR 302

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Jones, Acting Chief, Programs Administration Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, Room 3613, Switzer Bldg., Washington, DC 20202, 202 732-1092

RIN: 1820–AA83

528. SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Safer, Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1109

RIN: 1820–AA53

529. ● TECHNOLOGY - RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Legal Authority: PL 100-407

CFR Citation: 34 CFR 354

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Technology Related Assistance for Individuals with Disabilities Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation, Officer, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, Room 3422, Washington, DC 20202, 202 732-1139

RIN: 1820–AA84

530. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
Begin Review	01/26/88	
End Review	05/16/88	
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer

ED—OSERS **Proposed Rule Stage**

Building, Washington, DC 20202, 202 732-1299

RIN: 1820–AA47

531. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION

Legal Authority: 20 USC 107 et seq; 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820–AA45

532. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Daniels, Associate Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3034, Switzer Building), Washington, DC 20202, 202 732-1437

RIN: 1820–AA37

533. CENTERS FOR INDEPENDENT LIVING - STANDARDS AND EVALUATION INDICATORS

Legal Authority: 20 USC 796e

CFR Citation: 34 CFR 366

Legal Deadline: None

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820–AA81

534. PROJECTS WITH INDUSTRY - COMPLIANCE INDICATORS

Legal Authority: 20 USC 795g(j)(1)

CFR Citation: 34 CFR 379

Legal Deadline: None

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820–AA82

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS) **Final Rule Stage**

535. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1401; 20 USC 1412; 20 USC 1413

CFR Citation: 34 CFR 300

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8390
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey Champagne, Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3609 - Switzer Bldg), Washington, DC 20202, 202 732-1056

RIN: 1820–AA71

ED—OSERS

Final Rule Stage

536. PRESCHOOL GRANTS FOR HANDICAPPED CHILDREN'S PROGRAM

Legal Authority: 20 USC 1419

CFR Citation: 34 CFR 301

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44346
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Treusch, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, Switzer Bldg. (Rm. 4615), Washington, DC 20202, 202 732-1097

RIN: 1820–AA48

537. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH HANDICAPS

Legal Authority: 20 USC 1471 to 1485

CFR Citation: 34 CFR 303

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44352
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas B. Irvin, Deputy Director, Division of Program Analysis and Planning, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3092 - Switzer Bldg.), Washington, DC 20202, 202 732-1114

RIN: 1820–AA49

538. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - PARENT TRAINING AND INFORMATION CENTERS; SPECIAL PROJECTS; AND GENERAL

Legal Authority: 20 USC 1431; 20 USC 1434

CFR Citation: 34 CFR 316; 34 CFR 318

Legal Deadline: None

Abstract: These regulations are needed to clarify certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26190
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3072 - Switzer Bldg), Washington, DC 20202, 202 732-1068

RIN: 1820–AA68

539. CAPTIONED FILMS LOAN SERVICE FOR THE DEAF PROGRAM AND EDUCATIONAL MEDIA LOAN SERVICE FOR THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1451; 20 USC 1452; 20 USC 1454

CFR Citation: 34 CFR 330; 34 CFR 331

Legal Deadline: None

Abstract: See preamble. These regulations are also needed to implement certain provisions the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8608
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Safer, Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1109

RIN: 1820–AA61

540. VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS/SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOYMENT SERV. TO INDIVIDUALS WITH SEVERE HANDICAPS

Legal Authority: 20 USC 777a(a)(1); 20 USC 777a(d)

CFR Citation: 34 CFR 373; 34 CFR 380

Legal Deadline: None

Abstract: These regulations would implement certain changes to Sec. 311 of the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	05/03/88	53 FR 15776
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, Room 3220, Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820–AA76

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Completed Actions

541. HANDICAPPED SPECIAL STUDIES PROGRAM

CFR Citation: 34 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	07/12/88	32 FR 28550
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Glidewell 202 732-1099

RIN: 1820–AA72

542. FIELD INITIATED RESEARCH

CFR Citation: 34 CFR 350; 34 CFR 357

Completed:

Reason	Date	FR Cite
Final Action	06/27/88	53 FR 24244
Final Action Effective	08/11/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland 202 732-1139

RIN: 1820–AA80

543. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH– RESEARCH TRAINING AND CAREER DEVELOPMENT PROGRAM

CFR Citation: 34 CFR 360

Completed:

Reason	Date	FR Cite
Final Action	06/21/88	53 FR 23350
Final Action Effective	08/05/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland 202 732-1139

RIN: 1820–AA77

544. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

CFR Citation: 34 CFR 361

Completed:

Reason	Date	FR Cite
Final Action	05/12/88	53 FR 16978
Final Action Effective	06/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Shoob 202 732-1406

RIN: 1820–AA40

545. MISCELLANEOUS TECHNICAL AMENDMENTS TO THE REHABILITATION SERVICES REGULATIONS

CFR Citation: 34 CFR 363; 34 CFR 365; 34 CFR 366; 34 CFR 369; 34 CFR 370; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 389; 34 CFR 390

Completed:

Reason	Date	FR Cite
Final Action	05/13/88	53 FR 17140
Final Action Effective	06/27/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer 202 732-1299

RIN: 1820–AA39

546. INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

CFR Citation: 34 CFR 367

Completed:

Reason	Date	FR Cite
Final Action	07/15/88	53 FR 26976
Final Action Effective	09/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer 202 732-1299

RIN: 1820–AA41

DEPARTMENT OF EDUCATION (ED)

Office of Vocational and Adult Education (OVAE)

Proposed Rule Stage

547. ● STATE ADMINISTERED ADULT EDUCATION PROGRAM AND SECRETARY'S DISCRETIONARY PROGRAMS OF ADULT EDUCATION

Legal Authority: 20 USC 12 et seq; 42 USC 11421

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 431; 34 CFR 432; 34 CFR 433; 34 CFR 434; 34 CFR 435; 34 CFR 436; 34 CFR 437; 34 CFR 438; 34 CFR 441

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297, and the Stewart B. McKinney Homeless Assistance Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas L. Johns, Director, Policy Staff, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave., SW, Room 4521, Switzer Bldg., Washington, DC 20202, 202 732-2237

RIN: 1830–AA06

DEPARTMENT OF EDUCATION (ED)
Office of Vocational and Adult Education (OVAE)

Completed Actions

548. ● VOCATIONAL EDUCATION PROGRAMS - AMENDMENTS

Legal Authority: PL 100-297

CFR Citation: 34 CFR 400; 34 CFR 401

Legal Deadline: None

Abstract: These amendments would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	09/12/88	53 FR 35258

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon A. Jones, Chairperson, Vocational Education, Regulations Task Force, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave., SW, Room 620 - Reporters Bldg., Washington, DC 20202, 202 732-2470

RIN: 1830–AA05

DEPARTMENT OF EDUCATION (ED)
Office of Intergovernmental and Interagency Affairs (EDSI)

Proposed Rule Stage

549. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: This regulatory action would propose those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leroy Walser, Executive Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, Room 503 Rpters. Bldg., Washington, DC 20202, 202 732-3669

RIN: 1860–AA00

DEPARTMENT OF EDUCATION (ED)
Office of the General Counsel (EDOGC)

Proposed Rule Stage

550. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jo-Ann Frey, General Attorney, Office of the General Counsel, Department of Education, Office of the General Counsel, 400 Maryland Ave., SW, Room 4122, Washington, DC 20202, 202 732-2690

RIN: 1801–AA01

DEPARTMENT OF EDUCATION (ED)
Office of the General Counsel (EDOGC)

Completed Actions

551. PROGRAM FRAUD CIVIL REMEDIES

CFR Citation: 34 CFR 33

Completed:

Reason	Date	FR Cite
Final Action	05/03/88	53 FR 15673
Final Action Effective	06/17/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sarah L. Kemble 202 732-2730

RIN: 1801–AA05

552. CONSOLIDATED APPEAL REGULATION

CFR Citation: 34 CFR 78

Completed:

Reason	Date	FR Cite
Withdrawn	08/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sarah Kemble 202 732-2730

RIN: 1801–AA02

[FR Doc. 88-20661 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1988 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing this agenda of regulatory activities that DOE has in progress, as well as proposed rulemakings that DOE foreseeably may issue in the next year. This agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before October 1989, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rulemakings and rule reviews for which action has been completed since the April 1988 Regulatory Agenda. In addition, the agenda meets requirements under the Regulatory Flexibility Act for information on any rulemakings which are "likely to have a significant economic impact on a substantial number of small entities." The agenda may not include all routine regulations or those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-128, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Under Executive Order 12291, 46 FR 13193, February 19, 1981, each covered agency publishes, in April and October of each year, an agenda of all rulemakings in progress or expected to be commenced within the next year, and currently effective rules that are under agency review. The Executive Order authorizes the Office of Management and Budget (OMB) to set forth standards and procedures for the preparation of these agendas. The October 1988 Regulatory Agenda has been prepared in accordance with OMB Bulletin No. 88-15.

There are important reasons for preparing this agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities;" (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice.

Entries appended to this notice reflect the status of regulatory activities as of approximately August 15, 1988. Regulatory activities have been divided among categories according to their next stage: Prerulemaking action, proposed rule, final rule, or completed action.

Regulations designated as "significant" are those which are also included in the Regulatory Program of the United States Government, prepared pursuant to Executive Order 12498, 50 FR 1036, January 8, 1985. Significant regulations also include those which, while not of Government-wide interest or importance, nevertheless are priorities of the Department.

Each item contains the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance; (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (7) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding agenda) states the date, and citation if appropriate.

A draft of this agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in April 1989.

Issued in Washington, DC on August 24, 1988.

Eric J. Fygi,

Acting General Counsel.

DOE

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
553	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
554	Energy-Efficiency Standards for Refrigerators and Related Products, Small Gas Furnace and Television Sets	1904-AA28
555	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings	1904-AA34
556	Energy-Efficiency Test Procedures for Refrigerator-Freezers and Freezers	1904-AA35
557	Energy Conservation Standards for Water Heaters; Technical Amendments	1904-AA36
558	Energy-Efficiency Standards for Dishwashers, Clothes Washers and Clothes Dryers	1904-AA37

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
559	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
560	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
561	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27
562	State Energy Conservation Program (SECP) -- Use of Oil Overcharge Funds for Building Energy Conservation Materials and Equipment	1904-AA30
563	Regulations Implementing National Appliance Energy Conservation Act; Certification and Enforcement, Waiver of Federal Preemption and Small Manufacturer Exemptions	1904-AA32

Defense Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
564	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material	1992-AA11

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
565	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
566	Annotation of Land Records and Documentation of Property Owner Refusals to Participate in the Uranium Mill Tailings Remedial Action Program	1901-AA12
567	Model Federal Policy for Protection of Human Research Subjects	1901-AA13

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
568	Petitions Requesting Disposal Capacity for Unusual or Unexpected Volumes of Low-Level Radioactive Waste; Submission and Evaluation Requirements	1901-AA15

DOE

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
569	Proposed Rule Establishing New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07
570	Powerplant and Industrial Fuel Use Act of 1978; Revisions	1903-AA08

Management and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
571	Proposed Rule on DOE Contractor Drug Free Workplace Policy	1991-AA39
572	Department of Energy Financial Assistance Rules; Merit Review	1991-AA41

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
573	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
574	Department of Energy Property Management Regulation; Official Use of Motor Vehicles	1991-AA28
575	Department of Energy Acquisition Regulation; Miscellaneous Changes on Acquisition of Personal Property	1991-AA32
576	Contracting for Basic and Applied Research	1991-AA42
577	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors	1991-AA44

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
578	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
579	Department of Energy Acquisition Regulation; Management and Operating Contractor Purchasing Systems	1991-AA25
580	Department of Energy Financial Assistance Rules; Restriction of Eligibility	1991-AA35
581	Debarment and Suspension (Nonprocurement)	1991-AA40
582	Department of Energy Acquisition Regulation; Legislative Lobbying	1991-AA45
583	Collection of Claims Owed the United States	1991-AA47
584	Freedom of Information Regulations: Revisions to Fee Schedules and Procedures	1991-AA48

DOE

Office of General Counsel—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
585	Indemnification of Department of Energy Officials and Employees	1990-AA11
586	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings	1990-AA12

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
587	Amendments to Department of Energy Conduct of Employees Regulations	1990-AA00
588	Patent Waiver Regulation	1990-AA02
589	Foreign Gifts and Decorations	1990-AA04
590	Class Patent Waivers	1990-AA07

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
591	Implementation of the Program Fraud Civil Remedies Act of 1986	1990-AA08

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
592	Cooperation with the Inspector General	1990-AA06

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

553. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The current rulemaking would update base year prices and energy cost escalation rates based on current average energy cost projections. It would also eliminate the need for Federal Register publication of future annual updates so long as there is no significant change in the method for making average energy cost projections.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904–AA06

DOE—CE

Proposed Rule Stage

554. ENERGY-EFFICIENCY STANDARDS FOR REFRIGERATORS AND RELATED PRODUCTS, SMALL GAS FURNACE AND TELEVISION SETS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory, December 31, 2006.
The NAECA requires DOE determinations to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant (cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) was enacted March 17, 1987. The NAECA extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standard levels for refrigerators, refrigerator-freezers, and freezers to determine whether those levels need to be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/07/87	52 FR 46367
ANPRM Comment Period End	02/05/88	52 FR 46367
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: amended; for small gas furnaces, will set an initial standard within the statutory range; and will determine whether any standard for television sets is warranted.

LEGAL DEADLINE CONT: standards in a period from 7/1/94 to 12/31/2006. Also statutory deadlines for a proposal on standards for refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89), the earliest NAECA deadline for a final action.

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA28

555. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector. Subpart B develops voluntary standards for new non-Federal residential buildings.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904–AA34

556. ENERGY-EFFICIENCY TEST PROCEDURES FOR REFRIGERATOR-FREEZERS AND FREEZERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: The regulation will amend existing test procedures for refrigerator-freezers and freezers to alleviate the requirement for waivers for units equipped with variable defrost controls. It will also address refrigerator-freezers equipped with two compressors. The amendments will eliminate the need for the test procedure waivers granted Whirlpool and White Consolidated Industries, Inc., for their variable defrost control refrigerator-freezers.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37416
NPRM Comment Period End	11/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA35

557. ENERGY CONSERVATION STANDARDS FOR WATER HEATERS; TECHNICAL AMENDMENTS

Legal Authority: 42 USC 6292

CFR Citation: 10 CFR 430.32

Legal Deadline: None

Abstract: This action would be a technical amendment, based on water heater test procedure changes in progress (see 1904 - AA12), of the statutory standard for water heaters contained in the National Appliance Energy Conservation Act of 1987 (NAECA) enacted March 17, 1987. This amendment could change the way the standard level is measured, but would not change the level of the minimum energy conservation standard itself. NAECA requires amendment of the applicable standard if the Secretary determines that an amended test procedure will alter the measured efficiency of the standard. This technical amendment of the standard is to be completed concurrently with the

rulemaking with respect to the amended test procedure.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904–AA36

558. ENERGY-EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS AND CLOTHES DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory.

The NAECA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all(cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) was enacted March 17, 1987. The NAECA extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standards for dishwashers, clothes washers and clothes dryers to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	05/18/88	53 FR 17712
ANPRM Comment Period End	07/18/88	53 FR 17712
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. The NAECA requires a final determination on these three products by 01/01/90.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904–AA37

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Final Rule Stage

559. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal sector and mandatory standards for the Federal Government. Subpart A develops standards for both Federal and non-Federal commercial buildings and multi-family high rise buildings.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	87 FR 5476
NPRM Comment Period End	08/04/87	
Interim Final Rule	04/00/89	
Interim Final Rule Effective Date	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9445**

RIN: 1904–AA08

560. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department prepared a new NPRM published March 13, 1987. This NPRM proposed a single test procedure to cover gas, oil and electric water heaters

as well as heat pump water heaters, and extended the test procedures to cover instantaneous type water heaters. In addition to the A.O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM Test Procedures for Water Heaters	03/13/87	49 FR 7972
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Under a separate rulemaking (RIN: 1904-AA36), the Secretary will determine whether the test procedure amendment alters the measured water heater efficiency and, if so, will establish corrective technical amendments to the energy conservation standard.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904–AA12

561. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal sector and mandatory standards for the Federal Government. Subpart C develops mandatory standards for new Federal residential buildings.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	08/12/88	53 FR 32536
Proposed modification of Interim Final Rule	08/25/88	53 FR 32547
Public comment period end	11/23/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, **202 586-9445**

RIN: 1904–AA27

562. STATE ENERGY CONSERVATION PROGRAM (SECP) – USE OF OIL OVERCHARGE FUNDS FOR BUILDING ENERGY CONSERVATION MATERIALS AND EQUIPMENT

Legal Authority: 42 USC 6321 to 6327

CFR Citation: 10 CFR 420, (Revision)

Legal Deadline: None

Abstract: This rulemaking will modify the prohibition in the State Energy Conservation Program (SECP) regulations on purchases or installation of equipment and materials for energy conservation building retrofits and weatherization. This prohibition is being relaxed in order to take advantage of the so-called petroleum violation escrow (PVE) funds the State elects to spend through the SECP. The funds will be used to promote the leveraging of funds through financial incentive mechanisms. As with all State SECP activities, actions taken under these amendments would have to be included in an approved program plan.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39604
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sandra Monje, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, Energy Management and Extension, Office of State and Local Assistance, Washington, DC 20585, **202 586-8295**

RIN: 1904–AA30

563. REGULATIONS IMPLEMENTING NATIONAL APPLIANCE ENERGY CONSERVATION ACT; CERTIFICATION AND ENFORCEMENT, WAIVER OF FEDERAL PREEMPTION AND SMALL MANUFACTURER EXEMPTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 6291 to 6309

CFR Citation: 10 CFR 430.1; 10 CFR 430.2; 10 CFR 430.22; 10 CFR 430.40; 10 CFR 430.50; 10 CFR 430.60; 10 CFR 430.70

Legal Deadline: None

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) extensively amended the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. Although the standards prescribed by the NAECA generally supersede all State and local standards for these products, the Act allows States to petition for and DOE to grant exemption from Federal preemption and allows small manufacturers to apply for temporary exemption from the standards. This rulemaking will establish procedures for these preemption and exemption provisions, and for certification (cont)

DOE—CE

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/04/88	53 FR 7110
NPRM Comment Period End	05/03/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information: ABSTRACT CONT: and enforcement aspects of the program.

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, CE-132, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA32

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Proposed Rule Stage

564. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec 161; 10 CFR 710

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: The protection of certain of the Department's security interests, with the potential, if misused, of causing unacceptable damage to the national security, requires the implementation of a program designed to assure that individuals occupying positions affording access to certain material, facilities, and programs meet the highest standards of reliability. This action would establish a Q (R) access authorization for individuals applying for or currently holding a position identified as a personnel security assurance program (PSAP) position. The security clearance determination would, through a system of continuous evaluation, identify those individuals whose judgment may be impaired by physical and/or emotional disorders, the use of controlled substances, or the use of alcohol habitually to excess.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Hershkowitz, Chief, Assurance and Analysis Br. (DP-344.3), Assurance Program, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-344.3, Washington, DC 20585, 301 353-5671

RIN: 1992–AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

565. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre- and post-award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division (ER-64), Department of Energy, Departmental and Others, (ER64) Office of Energy Research, Washington, DC 20545, 301 353-5544

RIN: 1901–AA07

566. ANNOTATION OF LAND RECORDS AND DOCUMENTATION OF PROPERTY OWNER REFUSALS TO PARTICIPATE IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Interim Final Rule	01/00/89	
Final Action	03/01/89	
Final Action Effective	03/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: The current schedule for Annotation of Land Records activities is as follows: each State is to provide draft procedures to the DOE by October 1, 1988; the Office of General Counsel will publish the Public Notice, that presents the proposed rule, by October 1, 1988; State procedures are to be reviewed and revised by January 1, 1989; and the final

DOE—ENDEP **Proposed Rule Stage**

rule is anticipated to be published by March 1, 1989.

Agency Contact: Sally A. Mann, Dir., Div. of Uranium Mill Tailings Projects, Division, NE-22, Department of Energy, Departmental and Others, Office of Nuclear Energy, Washington, DC 20545, **301 353-6436**

RIN: 1901–AA12

567. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
Proposed Model Policy for Protection of Human Subjects	06/03/86	51 FR 106
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, **301 353-4731**

RIN: 1901–AA13

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

568. PETITIONS REQUESTING DISPOSAL CAPACITY FOR UNUSUAL OR UNEXPECTED VOLUMES OF LOW-LEVEL RADIOACTIVE WASTE; SUBMISSION AND EVALUATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: PL 99-240, Sec 5(c)(5); 42 USC 2021(e)

CFR Citation: 10 CFR 730, (New)

Legal Deadline: None

Abstract: These rules are proposed in order to allow DOE to implement its responsibilities under Section 5(c)(5) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (PL 99-240) (the Act). This section authorizes DOE to grant to commercial nuclear power reactors allocations of disposal capacity in order to permit the disposal of low-level waste generated by unusual or unexpected activities. The program estimates that up to five petitions each year through 1992 will be prepared by utilities, at an estimated 80 burden-hours per petition. The rules will benefit utilities by ensuring that disposal capacity set aside for unusual or unexpected activities will be disbursed equitably and evenly over the 7-year "interim access period."

Timetable:

Action	Date	FR Cite
NPRM	01/20/88	53 FR 1594
NPRM Comment Period End	03/21/88	53 FR 1594
Final Action	09/23/88	53 FR 36960
Final Action Effective	09/23/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Coleman, Act. Mgr., Low-Level Waste Program, Office of Nuclear Energy, Department of Energy, Departmental and Others, NE-24, Washington, DC 20545, **301 353-4728**

RIN: 1901–AA15

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

569. PROPOSED RULE ESTABLISHING NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The proposed rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The purpose of the proposed rule is to reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Constance L. Buckley, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000

DOE—ERA **Proposed Rule Stage**

Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1903–AA07

570. ● POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 8301 et seq; PL 100-42; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 500; 10 CFR 501; 10 CFR 503; 10 CFR 504

Legal Deadline: None

Abstract: Legislative changes and economic conditions have made it necessary to modify the regulatory language to comport with Congressional intent of the amended Fuel Use Act. Specifically, all language that relates to industrial facilities will be removed. The fuel price calculations and inflation indices used in the cost test calculations supporting exemptions based on a lack of alternate fuel at a cost that does not substantially exceed the cost of using imported petroleum will be changed. ERA will also insert language that will dramatically decrease the evidence that must be presented to qualify for an FUA exemption when a power plant certifies to the technical and financial feasibility of using an alternate fuel at a future date.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	12/16/88	
Final Action	06/16/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Anthony J. Como, Director, Coal & Electricity Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Ave., SW, Room GA-093 RG-22, Washington, DC 20585, 202 586-5935

RIN: 1903–AA08

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA) **Prerule Stage**

571. PROPOSED RULE ON DOE CONTRACTOR DRUG FREE WORKPLACE POLICY

Significance: Agency Priority

Legal Authority: 42 USC 2011 et seq Atomic Energy Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Will establish comprehensive drug abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9033

RIN: 1991–AA39

572. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; MERIT REVIEW

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.3; 10 CFR 600.9; 10 CFR 600.16; 10 CFR 600.103; 10 CFR 600.106

Legal Deadline: None

Abstract: This regulatory revision to the DOE Financial Assistance Rules would establish procedures for the merit review of applications for financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA41

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Management and Administration (MA)

573. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA23

574. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION; OFFICIAL USE OF MOTOR VEHICLES

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	12/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA28

575. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES ON ACQUISITION OF PERSONAL PROPERTY

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 907; 48 CFR 944; 48 CFR 945; 48 CFR 951; 48 CFR 952

Legal Deadline: None

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	12/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA32

576. CONTRACTING FOR BASIC AND APPLIED RESEARCH

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 935

Legal Deadline: None

Abstract: The purpose of this action is to amend the Acquisition Regulations (DEAR) to implement policies and procedures concerning the use of broad agency announcements, a form of competitive solicitation, as allowed by FAR 35.016.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	02/00/89	
Final Action Effective	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA 421, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8246

RIN: 1991–AA42

577. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

DOE—MA

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: See also 1991-AA25.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA44

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

578. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 952

Legal Deadline: None

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Additional Information: DOE is awaiting action by the DAR Council and the CAA Council which published a similar proposed rule on 3/24/87. Publication of their final rule for the FAR will override the need for a final rule to be published for the DEAR.

Agency Contact: Rudolph Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8175

RIN: 1991–AA37

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

579. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTOR PURCHASING SYSTEMS

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would update and consolidate in one place virtually all provisions applicable to the subcontracting practices of DOE management and operating contractors. Elsewhere in the Agenda, there is also a rulemaking involving subcontractor access to the Board of Contract Appeals and another issue.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	
NPRM Comment Period End	10/01/87	
Final Action	06/27/88	53 FR 24224
Final Action Effective	07/27/88	53 FR 24224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA25

580. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESTRICTION OF ELIGIBILITY

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.14; 10 CFR 600.106

Legal Deadline: None

Abstract: This regulatory revision of DOE Financial Assistance Rules (FAR) would establish more detailed documentation procedures and clarify the restricted eligibility requirements governing financial assistance awards on a non-competitive basis.

Timetable:

Action	Date	FR Cite
NPRM	09/17/87	52 FR 35111
NPRM Comment Period End	10/19/87	52 FR 35111
Final Action	04/13/88	53 FR 12137
Final Action Effective	05/13/88	53 FR 12137

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Related to 1991-AA21.

Agency Contact: James J. Cavanagh, Dir., Business & Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8173

RIN: 1991–AA35

581. DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Legal Authority: EO 12549

CFR Citation: 10 CFR 1035; 10 CFR 1036

Legal Deadline: None
OMB requests draft agency regulations be submitted by September 29, 1987.

Abstract: This regulation will implement EO 12549 and OMB

Guidelines for nonprocurement debarment and suspension.

Timetable:

Action	Date	FR Cite
NPRM	12/24/87	52 FR 48693
NPRM Comment Period End	02/22/88	
Final Action	05/26/88	53 FR 19171
Final Action Effective	10/01/88	53 FR 19171

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Thomas E. Brown, Procurement Analyst, Department of Energy, Management and Administration, 202 586-9075

RIN: 1991–AA40

582. DEPARTMENT OF ENERGY ACQUISITION REGULATION; LEGISLATIVE LOBBYING

Legal Authority: PL 99-145, Sec 1534; PL 100-180, Sec 3131; PL 100-202, Sec 305(a)

CFR Citation: 48 CFR 970

Legal Deadline: Final, Statutory, March 4, 1988.

Abstract: This action would implement recent statutory amendments to Section 1534(a)(2) of the DOD Authorization Act of 1986, by adding to the DEAR a contract clause applicable to DOE's management and operating contractors, providing that the cost of engaging in legislative liaison activities solely on their own behalf may not be charged to DOE contracts. However, the cost of providing information in response to a request from Congress shall continue to be allowable and reimbursable, as specified in the statutes.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/14/87	53 FR 21646
NPRM	04/04/88	
Final Action	06/09/88	53 FR 21646

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Mournighan, Director, Office of Policy, Procurement and Assistance Management, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8182

RIN: 1991–AA45

583. COLLECTION OF CLAIMS OWED THE UNITED STATES

Legal Authority: 31 USC 3701 to 3719; PL 97-365

CFR Citation: 10 CFR 1015

Legal Deadline: None

Abstract: This rule establishes the overall regulations under which the Department of Energy will collect claims owed to the United States. These regulations implement the Federal Claims Collection Act (31 USC 3701-3719) as amended by the Debt Collection Act of 1982 (PL 97-365) and incorporate the Federal Claims Collections Standards (4 CFR 101-105) published jointly by the Department of Justice and the General Accounting Office. The preamble to the Federal Claims Collection Standards states that each Federal agency is required to develop its own implementing regulations based on and consistent with these standards. Furthermore, the Debt Collection Act specifies that each agency must prescribe regulations on certain aspects of the debt collection process. We do not consider that there is any alternative to issuance of these regulations that would address this need.

Timetable:

Action	Date	FR Cite
ANPRM	11/09/87	52 FR 43168
ANPRM Comment Period End	12/09/87	52 FR 43168
Final Action	06/29/88	53 FR 24624
Final Action Effective	06/29/88	53 FR 24624

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Helen O. Sherman, Deputy Director, Office of Financial Policy, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-4860

RIN: 1991–AA47

584. FREEDOM OF INFORMATION REGULATIONS: REVISIONS TO FEE SCHEDULES AND PROCEDURES

Legal Authority: PL 99-570, Sec 1803

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: The Freedom of Information Reform Act (FOIRA) of 1986, PL 99-570, requires that each agency promulgate regulations to establish a fee schedule to process requests for information and to establish procedures and guidelines to determine when such fees should be waived or reduced. The DOE fee schedule and procedures conform to the guidelines issued by the Office of Management and Budget (OMB) for agencies to follow in implementing these regulations. The rule revises existing DOE fee schedules and procedures in accordance with the Reform Act and makes other technical and editorial changes to the DOE regulations that implement the FOIA.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23156
NPRM Comment Period End	07/17/87	52 FR 23156
Final Action	05/03/88	53 FR 15660
Final Action Effective	06/02/88	53 FR 15660

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John H. Carter, Chief, FOI and Privacy Acts Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-5955

RIN: 1991–AA48

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Prerule Stage

585. ● INDEMNIFICATION OF DEPARTMENT OF ENERGY OFFICIALS AND EMPLOYEES

Legal Authority: 42 USC 7131; 42 USC 7231; 42 USC 7254; 28 CFR 50.15 (a)(7)(iii)

CFR Citation: 10 CFR 1012

Legal Deadline: None

Abstract: The Department of Energy does not have a policy for indemnifying its employees who are sued personally and suffer an adverse judgment as a result of conduct taken within the scope of employment. Lawsuits against Federal employees in their personal capacity can constitute a major impediment to the effective conduct of the public's business, since employees faced with the potential of being held personally liable may be inhibited in discharging their duties. To deal with this problem, the Department proposes to establish a policy permitting, but not requiring, the idemnification of an employee who suffers an adverse verdict, judgment, or other monetary award when the actions giving rise to liability were within the scope of his employment and indemnification is in the interest of the Government. This policy would be modeled on a similar policy already adopted by the Department of Justice for its employees.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/88	
ANPRM Comment Period End	12/01/88	
NPRM	02/01/89	
NPRM Comment Period End	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jacob D. Vreeland, Trial Attorney, Department of Energy, Office of General Counsel, GC-22, Washington, DC 20585, 202 586-8709

RIN: 1990–AA11

586. ● PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301; 28 CFR 1621

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: The intent of this regulation is to establish an agency-wide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently exists. However, due to its location in the Code of Federal Regulations and due to anachronisms and ambiguities in its language, its application and the Department of Energy's authority under the regulation are unclear. The existing regulation is also in some respects arguably inconsistent with the corresponding Department of Justice regulations, which makes its application problematic since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since revision and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/88	
ANPRM Comment Period End	12/01/88	
NPRM	02/01/89	
NPRM Comment Period End	03/01/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robin A. Henderson, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, GC-22, Washington, DC 20585, 202 586-8700

RIN: 1990–AA12

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

587. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES REGULATIONS

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Appendix I of the Regulations, regarding employee financial disclosure requirements, was published as a Final Rule in April 1988.

Agency Contact: MaryAnn Shebek, Acting Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990–AA00

588. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or

DOE—OGC **Proposed Rule Stage**

nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990–AA02

589. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Acting Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990–AA04

590. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990–AA07

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

591. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 10 CFR 1013

Legal Deadline: Final, Statutory, May 1, 1987.

Abstract: These regulations establish administrative procedures for imposing the statutorily authorized civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the Department of Energy. No other alternatives are being considered, since these are congressionally mandated regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20403
NPRM Comment Period End	07/31/87	52 FR 20403
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jack M. Kress, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-5246

RIN: 1990–AA08

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

592. COOPERATION WITH THE INSPECTOR GENERAL

Legal Authority: 42 USC 7138; 42 USC 7211 to 7218; 42 USC 7254; 42 USC 6392; 42 USC 5816a; 5 USC 301; 5 USC 303(a); 5 USC (app.4) 207(a); 18 USC 201 to 209; EO 11222, as amended by EO 12565

CFR Citation: 10 CFR 1010.217, (New)

Legal Deadline: None

Abstract: This regulation will codify existing Department of Energy policy and clarify the authority provided by existing statutes and Federal case law with respect to the obligations of Department employees to cooperate with the Office of Inspector General in official investigations.

DOE—OGC **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	10/19/87	52 FR 38770
NPRM Comment Period End	11/18/87	52 FR 38770
Final Action	05/20/88	53 FR 18074
Final Action Effective	06/20/88	53 FR 18074

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Published as a Final Rule in May 1988.

Agency Contact: MaryAnn Shebek, Acting Deputy Assistant General Counsel for General Counsel, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990–AA06

[FR Doc. 88-20662 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 25, 1988.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: W. Keith Lively, Deputy Executive Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-7699.

Aletha R. Owens,

Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
593	Privacy Act Regulation	0991-AA11

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
594	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
595	Civil Money Penalties and Sanctions for HMOs and Competitive Medical Plans	0991-AA44
596	Prohibition on Use of Physician Incentive Plans	0991-AA45
597	New Civil Money Penalties and Exclusions Authorities Resulting from OBRA 1986 and OBRA 1987	0991-AA46
598	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
599	OIG Anti-Kickback Provisions	0991-AA49
600	PRO Rural Practitioners Amendments	0991-AA51
601	Civil Money Penalties and Sanction Authorities Relating to the Medicare Catastrophic Coverage Provisions	0991-AA52
602	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
603	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
604	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
605	Freedom of Information Act Regulation	0991-AA07
606	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
607	Audits of Non-governmental Grantees	0991-AA29
608	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
609	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40

HHS

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
610	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
611	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0991-AA34
612	Block Grant Programs	0991-AA38
613	Program Fraud Civil Remedies	0991-AA41
614	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0991-AA42
615	Governmentwide Debarment and Suspension (Nonprocurement)	0991-AA43
616	Program Fraud Civil Remedies	0991-AA50

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
617	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02
618	Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party	0990-AA03

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
619	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
620	Runaway and Homeless Youth Program	0980-AA11
621	Head Start Criteria for Selection of New Grantees	0980-AA17
622	Head Start Staff and Program Options Requirements	0980-AA18
623	Head Start Appeals Process	0980-AA20
624	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
625	Head Start Recruitment Selection and Enrollment of Children	0980-AA27
626	Head Start: Limits on Costs of Development and Administration	0980-AA32
627	Head Start Performance Standards for Infants and Toddlers	0980-AA33
628	Adoption and Foster Care Information	0980-AA35
629	Developmental Disabilities Program	0980-AA36
630	Child Abuse and Neglect: technical amendments	0980-AA40

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
631	Nonrecurring Costs of Adoption	0980-AA24
632	Native Hawaiian Loan Fund Demonstration Project	0980-AA37

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
633	Head Start Personnel Policies	0980-AA10
634	Grants for State and Community Programs on Aging; Grants to Indian Tribes; and Grants to Organizations Serving Older Hawaiians for Supportive and Nutrition Services	0980-AA34

HHS

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
635	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
636	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
637	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
638	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
639	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income	0960-AB09
640	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
641	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
642	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
643	OASDI & SSI Programs; Definition of Overpayment and Liability for Repayment of an Overpayment	0960-AB78
644	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
645	Old-Age, Survivors and Disability Insurance; Black Lung; and Supplemental Security Income Programs; and Organization and Procedures; Application of Circuit Court Law	0960-AB85
646	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
647	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
648	Old-Age, Survivors, and Disability Insurance Program; Medical Evaluation Criteria for Acquired Immune Deficiency Syndrome (AIDS)	0960-AC06
649	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; The Hearings and Appeals Process and Reopening Determinations and Decisions	0960-AC15
650	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
651	Supplemental Security Income Program; Employment Opportunities for the Disabled	0960-AC22
652	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
653	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
654	Old-Age, Survivors and Disability Insurance Program and Organization and Functions; Records of Earnings	0960-AC30
655	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
656	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Past Work Experience and Adjustment to Other Work	0960-AC39
657	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations	0960-AC40
658	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
659	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
660	Supplemental Security Income Program; Exclusion from Countable Resources of the Value of Promissory Notes in Home Replacement Situations	0960-AC43
661	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
662	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
663	Supplemental Security Income Program; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces	0960-AC48
664	Supplemental Security Income Program; Exemption of Certain Assistance Payments from Retrospective Monthly Accounting	0960-AC49
665	Supplemental Security Income Program; Increase in Emergency Advance Payments	0960-AC50
666	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
667	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
668	Supplemental Security Income Program; Continuation of Full Benefit Standard for Person in Medicaid Institution	0960-AC55
669	Old-Age, Survivors, and Disability Insurance Program; Social Security Numbers for Newborn Children	0960-AC56
670	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
671	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58

HHS

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
672	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
673	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
674	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
675	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AB05
676	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22
677	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
678	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance, and Other Changes	0960-AB36
679	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
680	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
681	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
682	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlement to Other Benefits	0960-AB87
683	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
684	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
685	Old-Age, Survivors, and Disability Insurance Program; Wages-- Deferred Compensation	0960-AC27
686	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors	0960-AC31
687	Organization and Procedures, and OASDI Programs; Evidence Required for Original or Duplicate Social Security Number Card	0960-AC32
688	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35
689	Supplemental Security Income Program; Exclusion of Real Property When It Cannot Be Sold; and Transfer of Assets for Less Than Fair Market Value	0960-AC47
690	Supplemental Security Income Program; Public Emergency Shelters for the Homeless, Exclusion of Underpayments, Increase in Personal Needs Allowance	0960-AC54

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
691	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
692	Old-Age, Survivors, and Disability Insurance Program; Provision for Inferring a Person Is Dead	0960-AA54
693	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
694	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits During Appeal	0960-AB30
695	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
696	Old-Age, Survivors, and Disability Insurance Program; Determining Disability and Blindness, Medical-Vocational Guidelines, Illiteracy and Inability to Communicate in English	0960-AB94
697	Supplemental Security Income Program; Spousal Deeming Computation Involving State Supplementation	0960-AB95
698	Supplemental Security Income Program; Prohibition on Direct Payment of Fees to Representatives	0960-AC08
699	Supplemental Security Income Program; Define Out of Resources for One Month Certain Cash Payments for Medical/Social Services	0960-AC11
700	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Against Equity and Good Conscience: Defined	0960-AC33
701	Old-Age, Survivors, and Disability Insurance Program; Extension of Expiration Date for Mental Disorders Listings	0960-AC44
702	Supplemental Security Income Program; Exclusion of Certain Support and Maintenance Assistance Based on Need	0960-AC53

HHS

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
703	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83
704	Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities	0905-AC84

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
705	NIOSH Revision of Tests and Requirements of Certification of Permissibility of Respiratory Protective Devices Used in Mines and Mining	0905-AB58

Public Health Service—Centers for Disease Control (CDC)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
706	Project Grants for Health Programs for Refugees	0905-AB43

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
707	Drug Exports	0905-AC44
708	Computer Products; Policy Guidance	0905-AC72

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
709	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
710	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
711	New Animal Drug Approval Process	0905-AA96
712	Policies Concerning Uses of Sulfiting Agents	0905-AB52
713	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
714	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
715	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
716	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72
717	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
718	Menstrual Tampons; Proposed User Labeling	0905-AC54
719	Action Levels for Added Poisonous or Deleterious Substances in Food (Including Animal Feed)	0905-AC73
720	Prescription Drug Marketing Act of 1987; Implementation	0905-AC81

HHS

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
721	Over-the-Counter (OTC) Drug Review	0905-AA06
722	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
723	Provisionally Listed Color Additives	0905-AB60
724	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
725	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
726	Methylene Chloride	0905-AC00
727	Infant Formula Act	0905-AC46
728	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48
729	Tamper-Resistant Packaging Requirements for Over-the-Counter (OTC) Drugs	0905-AC70

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
730	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, New Device Applications, and Antibiotic Applications Review	0905-AB56
731	Patent Term Restoration for Certain Regulated Products (Title II of "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65
732	Menstrual Tampons; Proposed User Labeling	0905-AC58

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
733	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129	0905-AC28
734	Post-Baccalaureate Faculty Fellowship Program	0905-AC34
735	Grants for Community Health Services: Criteria and Procedure for Determining Medically Underserved Populations (MUP)	0905-AC35
736	Area Health Education Center (AHEC) Program	0905-AC67
737	Designation of Mental Health Manpower Shortage Areas	0905-AC68
738	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry	0905-AC71
739	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions	0905-AC75
740	Nursing Student Loan (NSL) Program: Cash Management	0905-AC76
741	Centers for Excellence	0905-AC77
742	Health Professions Student Loan (HPSL) Program: Cash Management	0905-AC78

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
743	Grants for Residency Training and Faculty Development in General Internal Medicine and/or General Pediatrics	0905-AB50
744	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
745	Nursing Student Loan (NSL) Program: Implementation of the Law (Pub. L. 99-92)	0905-AC31
746	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32
747	Grants for Health Professions Projects in Geriatrics	0905-AC33
748	Health Manpower Shortage Area Designation Criteria For Correctional Facilities	0905-AC50
749	Implementation of Health Care Quality Improvement Act of 1986 (Title IV, Public Law 99-660)	0905-AC51
750	National Health Service Corps, State Loan Repayment And Special Repayment Programs	0905-AC65
751	Health Education Assistance Loan (Heal): Litigation	0905-AC69

HHS

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
752	Grants for Nurse Anesthetist Traineeships	0905-AB33
753	Health Professions Student Loan (HPSL) Program: Deferment Revisions	0905-AC06
754	Health Education Assistance Loan (HEAL) Program: Deferment Revisions	0905-AC07
755	Nursing Special Project Grants	0905-AC18
756	Area Health Education Centers (AHEC)	0905-AC22
757	Grants For Construction of Teaching Facilities, Educational Improvements, Scholarships, and Student Loans	0905-AC66
758	Removal of Obsolete Regulations on Hemophilia Treatment Centers and Genetic Disease Testing and Counseling Programs	0905-AC82

Public Health Service—National Institutes of Health (NIH)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
759	Misconduct in Science	0905-AB91

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
760	Changes in NIH Program Regulations due to P.L. 99-158,P.L. 99-499 and Title X of P.L. 99-660	0905-AC02
761	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
762	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
763	Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions	0938-AA33
764	Medicaid Eligibility	0938-AA58
765	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
766	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
767	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
768	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
769	Revision of the Clinical Laboratory Regulations for the Medicare, Medicaid, and Clinical Laboratories Improvement Act of 1967 Programs	0938-AB96
770	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
771	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices	0938-AC49
772	Hospice/Case Management	0938-AC52
773	Medicare Beneficiary Appeals	0938-AC81
774	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84
775	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
776	Recognition of College of American Pathologists Laboratory Accreditation Program	0938-AC89

HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
777	PRO Review of Surgical Procedures and Requirements for Second Opinions	0938-AC90
778	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
779	Changes Concerning Suspension of Medicare Payments, Interest Rates Charged on Overpayments and Underpayments, and Determinations of Allowable Interest Expense	0938-AC99
780	Changes Concerning the Definition of Accrual Basis of Accounting	0938-AD01
781	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities	0938-AD02
782	Criteria and Procedures for Medical Services Coverage Decisions	0938-AD07
783	Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
784	Eligibility of Aliens for Medicaid	0938-AD15
785	Medicaid: Eligibility Groups Extended Coverage of Services, and Conditions of Eligibility: OBRA '87, COBRA, and TEFRA	0938-AD16
786	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services	0938-AD17
787	Transfer of Assets	0938-AD18
788	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
789	Withdrawal of Coverage of Single Photon Absorptiometry	0938-AD28
790	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
791	Occupational Therapy, Physician Assistants	0938-AD32
792	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
793	Physician Liability on Non-Assigned Claims	0938-AD34
794	State Share of Financial Participation	0938-AD36
795	PRO Disclosure to Licensing and Certification Bodies	0938-AD42
796	Revision of the Medicare Economic Index	0938-AD43
797	Update of Ambulatory Surgical Center Payment Rates for July 1, 1988	0938-AD44
798	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1988	0938-AD48
799	Application of the Comparable Services Limitation in Determining Reasonable Charges	0938-AD50
800	Home and Community-Based Services for the Elderly	0938-AD55
801	Revisions to the Freedom of Information Regulations	0938-AD60
802	Fee Schedules for Radiologist Services	0938-AD62
803	Establishment of Medicare Economic Index for 1989	0938-AD64
804	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices	0938-AD65
805	Charges to Residents' Funds in Nursing Homes	0938-AD66
806	Criteria for Standard and Extended Home Health Agency Surveys	0938-AD67
807	Outpatient Surgery and Pre-admission Diagnostic Testing for Inpatient Surgery under Medicaid	0938-AD70
808	Changes to the Reasonable Cost Regulation Concerning Investment Income	0938-AD72
809	Medicare Secondary Payer for Disabled Active Individuals	0938-AD73
810	Inherent Reasonableness for Home Dialysis Supplies and Equipment	0938-AD74
811	Clarification of Durable Medical Equipment Coverage under Medicare	0938-AD77
812	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Aide Supervision and Discharge Planning	0938-AD78
813	Prepaid Health Care Plans: Beneficiary and Other Related Provisions	0938-AD79
814	Prohibitions on FFP for Educational and Vocational Training for Institutionalized Individuals	0938-AD80
815	OBRA '87 Long Term Care Facilities Conditions of Participation	0938-AD81
816	Medigap Policy Standards - Direct Transmittal of Claims from Medicare Carriers to Medigap Insurers and Related User Fees	0938-AD82
817	Coverage of Psychologists' Services Furnished at Rural Health Clinics	0938-AD84
818	Coverage of Screening Mammography	0938-AD88
819	Coverage of Home Intravenous Drug Therapy Services	0938-AD89
820	In-Home Care for Chronically Dependent Individuals	0938-AD90
821	Outpatient Drug Coverage and Reimbursement	0938-AD91
822	Survey and Certification	0938-AD94
823	Recovery of Overpayments Resulting from Computational Errors	0938-AD95
824	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons	0938-AD97

HHS

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
825	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
826	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
827	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
828	Indirect Part B Payment Procedure	0938-AB59
829	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment and Entitlement	0938-AB60
830	Medicare/Medicaid Revaluation of Assets	0938-AB64
831	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
832	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
833	Medicare Secondary Payor and Medicare Recovery Against Third Parties	0938-AC05
834	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
835	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
836	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
837	Additions to and Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
838	Employers Contribution to Health Maintenance Organizations Option	0938-AC48
839	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
840	Billing and Verification Add-On Relating to Home Health Agencies Cost Per Visit Limits	0938-AC56
841	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
842	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
843	Payment for Kidneys Sent to Foreign Countries or Transplanted in Patients Other than Medicare Beneficiaries	0938-AC59
844	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
845	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
846	Refunding of Federal Share of Overpayments Made to Medicaid Providers	0938-AC83
847	Medicare Coverage of Immunosuppressive Drugs	0938-AD09
848	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
849	Conditions of Participation for Long Term Care Facilities	0938-AD12
850	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
851	Discontinuation of Prevailing Charge Differentials for Specialists	0938-AD26
852	Changes to Peer Review Organization Regulations	0938-AD38
853	Medicare, Medicaid, and Clinical Laboratories Improvement Act (CLIA) Patient Confidentiality Rules	0938-AD40
854	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements	0938-AD45
855	Schedules of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1988	0938-AD47
856	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates	0938-AD49
857	Protocol for the Reuse of Dialysis Bloodlines	0938-AD52
858	Uniform Relative Value Guide for Anesthesia Services Furnished by Physicians	0938-AD63
859	Inpatient Hospital Deductible, SNF Coinsurance Amount and Part A Premium for the Uninsured Aged for 1989	0938-AD68
860	Periodic Payments for Hospitals and Other Providers	0938-AD71
861	Hospice Cap	0938-AD75
862	Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals	0938-AD76
863	Swing-Bed Program Changes	0938-AD83
864	Coverage of and Payment for Certified Nurse-Midwife Services	0938-AD85
865	Second Surgical Opinion Requirements for Medicaid Recipients	0938-AD86
866	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987	0938-AD92
867	Catastrophic Coverage Conforming Amendments	0938-AD93
868	Carrier Bonuses for Increasing Physicians' Participation or Payments	0938-AD96
869	National Average Actuarial Value of Duplicative Part A and Part B Medicare Benefits	0938-AD98

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
870	Payments to Institutions	0938-AB00
871	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
872	Revisions in Reporting and Recordkeeping Requirements	0938-AB46
873	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AB55
874	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62

HHS

Health Care Financing Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
875	OMB Review of Information Collection and Recordkeeping Requirements for Home Health Agencies, and Providers of Outpatient, Physical Therapy and/or (cont)	0938-AB68
876	Conditions for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
877	Reasonable Charge Limitations	0938-AC08
878	Assignment and Reassignment of Provider-Based Home Health Agencies and Hospices to Designated Regional Intermediaries	0938-AC20
879	Fire Safety Standards for Hospitals, Skilled Nursing Facilities, Hospices, Intermediate Care Facilities and Ambulatory Surgical Centers	0938-AC28
880	Alternate Sanctions for ESRD Facilities	0938-AC68
881	Long Term Care Survey	0938-AD41
882	Miscellaneous Changes Affecting Payment for Inpatient Hospital Services	0938-AD46
883	Fees for Appeals	0938-AD54
884	Revisions to Medicaid Eligibility Quality Control Program Requirements Based on Findings of COBRA Studies	0938-AD56
885	Procedures for Terminating Program Participation of Providers and Suppliers	0938-AD57
886	Monthly Actuarial Rates and Part B Premium Rates Beginning January 1, 1989	0938-AD58
887	Miscellaneous Amendments to the HMO and CMP Requirements	0938-AD61

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
888	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09
889	Standards for Child Support Enforcement Program Operations	0970-AA16
890	Child Support Enforcement Audit Regulations	0970-AA17
891	Distribution of Child Support Collections	0970-AA18
892	Alien Verification Procedures for AFDC; State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41
893	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions (ANCSA)	0970-AA47
894	Cooperation in Third Party Health Coverage	0970-AA49
895	Cooperative agreements	0970-AA50
896	Omnibus Budget Reconciliation Act of 1987	0970-AA56
897	Services to Post-AFDC and Medicaid only families	0970-AA61

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
898	Scope of Payments	0970-AA00
899	Retroactive Modification of Child Support Arrearages	0970-AA03
900	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
901	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
902	Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
903	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Social Services	0970-AA10
904	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11
905	Essential Persons	0970-AA44
906	Federal Tax Refund Offset Process - Pre-Offset Notice Fee	0970-AA52
907	Emergency Community Services Homeless Grant Program; Interim Final Rule with Request for Comments	0970-AA57
908	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0970-AA58
909	Automated Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0970-AA59

HHS

Family Support Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
910	Refugee Cash and Medical Assistance	0970-AA01
911	Aid to Families with Dependent Children; Treatment of Utility Payments By Applicant or Recipients Living in Certain Federally Assistance Housing	0970-AA05
912	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
913	Medical Support Enforcement #2	0970-AA13
914	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0970-AA15
915	Grants to States for Public Assistance Programs, Treatment of Replacement Checks	0970-AA19
916	Alien Legalization	0970-AA48
917	FY 1988 Scoring System for Performance Indicators	0970-AA51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Prerule Stage

593. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Legal Deadline: None

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 330 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 645-F, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, **202 472-7453**

RIN: 0991–AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Proposed Rule Stage

594. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: OMB is considering revisions to Circular A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234). This action should conform to those revisions also.

Agency Contact: Terrance J. Tychan, Director, Office of Procurement & Logistics Policy, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, **202 245-8870**

RIN: 0991–AA12

595. CIVIL MONEY PENALTIES AND SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434; PL 100-203, Sec

4014; PL 100-360, Sec 224; PL 100-360, Sec 411

CFR Citation: 42 CFR 1003; 42 CFR 417

Legal Deadline: None

Abstract: This proposed rule would provide for CMPs for each violation against any risk-sharing organization that: (1) fails substantially to provide medically necessary items and services that are required under the contract; (2) imposes premiums on enrolled individuals in excess of premiums permitted; (3) acts to expel or refuse, or to re-enroll an individual; (4) misrepresents or falsifies information; (5) engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment; or, (6) fails to provide for prompt payment of claims for services provided to enrollees. In addition, this rule would authorize the Medicare program to suspend enrollment of individuals in, and payment to a risk-sharing organization that (1) denies medically necessary care to a beneficiary or (2) commits marketing abuses or other violations specified in section 1876(i)(6) of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This joint OIG/HCFA proposed rule is being revised as a result of broadened CMP and sanction authorities contained in PL 100-203, in addition to a technical amendment contained in PL 100-360.

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207 21207, **301 965-9601**

RIN: 0991–AA44

596. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-501, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The effective date for implementing regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans has been delayed to 4/1/90 by P.L. 100-203, Sec 4016. This provision will be addressed through separate rulemaking at a later date.

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, Legislation, Regulations & Public Affairs, 330 Independence Avenue, S.W., Washington, D.C. 20201207, **202 472-5270**

RIN: 0991–AA45

597. NEW CIVIL MONEY PENALTIES AND EXCLUSIONS AUTHORITIES RESULTING FROM OBRA 1986 AND OBRA 1987

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9334; PL 99-501, Sec 9338; PL 100-203, Sec 4022; PL 100-203, Sec 4023; PL 100-203, Sec 4039; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 100-203, Sec 4118; ...

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule provides for civil money penalties and exclusions for various program violations resulting from OBRA 1986 and OBRA 1987, as amended by the Medicare Catastrophic Coverage Act of 1988. Penalties and sanctions may be imposed against among other things: (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant: (2) non participating physicians billing for actual charges above permitted charges (3) nursing homes: (4) home health care providers: (5) unassigned lab services: (6) DME rental providers: and (7) providers of laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: PL 100-360, Sec 204 PL 100-360, Sec 411 This proposed rule is being revised as a result of broadened CMP and sanction authorities contained in P.L. 100-203. In addition, various technical amendments to the OBRA '87 provisions contained in P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988, will be incorporated into this proposed rulemaking.

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 965-9601**

RIN: 0991–AA46

598. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 11, 18, 19, and 20.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule incorporates two previous items of proposed rulemaking (0991-AA21 and 0991-AAA39) as a result of the passage of PL 100-93. Technical amendments contained in PL 100-360, the Medicare Catastrophic Coverage Act of 1988 are also being incorporated into these proposed regulations.

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-9601

RIN: 0991–AA47

599. OIG ANTI-KICKBACK PROVISIONS

Legal Authority: PL 100-93, Sec 4; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This proposed rule will specify payment practices which, although potentially capable of inducing referrals of business under Medicare, are not to be considered kickbacks for purposes of criminal or civil remedies.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38794
ANPRM Comment Period End	12/18/87	
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA49

600. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Inspector General, Department of Health and Human Services, Office of the Secretary, Office of Investigations, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-9601

RIN: 0991–AA51

601. ● CIVIL MONEY PENALTIES AND SANCTION AUTHORITIES RELATING TO THE MEDICARE CATASTROPHIC COVERAGE PROVISIONS

Legal Authority: PL 100-360, Sec 202; PL 100-360, Sec 203; PL 100-360, Sec 221

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish various new sanction and civil money penalties resulting from the Medicare Catastrophic Coverage Act of 1988. Among other provisions, these regulations would address CMPs for (1) failure to provide required survey data relating to covered outpatient drugs; (2) a physician's failure to provide appropriate diagnostic codes and information; and (3) the submission of improper claims for home IV drug therapy services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector, AO, Department of Health and Human Services, Office of the Secretary, Legislation, Regulations & Public Affairs, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA52

602. ● CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs in all cases where only criminal penalties previously applied for deceptive selling practices relating to Medicare Supplemental health insurance - or Medigap - policies.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, Legislation, Regulations & Public Affairs, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA53

603. ● CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

Legal Authority: PL 100-360, Sec 428(a)

CFR Citation: 42 CFR 1003

Legal Deadline: None

HHS—OS

Proposed Rule Stage

Abstract: This proposed rule would establish civil money penalties for the unauthorized use, in advertising or solicitation, of certain words letters, symbols or emblems associated with the Department or its programs in a manner that would convey and impression that an item or service was approved, endorsed or authorized by HHS.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, Legislation, Regulations & Public Affairs, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of the Secretary (OS)

604. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Interim Final Rule	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Policy and Special Staff, OCR, Room 5032, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991–AA02

605. FREEDOM OF INFORMATION ACT REGULATION

Legal Authority: 5 USC 552; 18 USC 1905; 31 USC 9701; 42 USC 1306a; EO 12600

CFR Citation: 45 CFR 5

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 13250
NPRM Comment Period End	06/17/87	51 FR 13250
Interim Final Rule	11/13/87	52 FR 43575
Interim Final Rule Public Comment Period Ends	12/14/87	52 FR 43575
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 645-F, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991–AA07

606. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
Final Action	12/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly Recurring Cost: $6,000

HHS—OS

Final Rule Stage

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, **202 245-6700**

RIN: 0991–AA22

607. AUDITS OF NON-GOVERNMENTAL GRANTEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

Agency Contact: Gary Houseknecht, Acting Director, Office of Assistance, and Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-7565**

RIN: 0991–AA29

608. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-9601**

RIN: 0991–AA37

609. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This final rule establishes civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Office of Investigations, Department of Health and Human Services, Office of the Secretary, Department of Health and Human Services, Baltimore, MD 21207, Office of Inspector General, **301 965-9601**

RIN: 0991–AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Completed Actions

610. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

CFR Citation: 45 CFR 85.1-62

Completed:

Reason	Date	FR Cite
Final Action	07/08/88	53 FR 25595
Final Action Effective	09/06/88	53 FR 25595

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil 202 245-6700

RIN: 0991–AA17

611. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Agency Priority

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Completed:

Reason	Date	FR Cite
Transferred to Family Support Administration under RIN 0970-aa59	08/26/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ron Lentz 202 245-7354

RIN: 0991–AA34

612. BLOCK GRANT PROGRAMS

Significance: Agency Priority

CFR Citation: 45 CFR 96

Completed:

Reason	Date	FR Cite
Final Action	03/03/88	53 FR 6824
Final Action Effective	04/04/88	53 FR 6824

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond 202 245-7316

RIN: 0991–AA38

613. PROGRAM FRAUD CIVIL REMEDIES

Significance: Agency Priority

CFR Citation: 45 CFR 79

Completed:

Reason	Date	FR Cite
Final Action	04/08/88	53 FR 11656
Final Action Effective	04/08/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: D. McCarty Thornton 202 245-6306

RIN: 0991–AA41

614. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

CFR Citation: 42 CFR 453.952; 45 CFR 205.56

Completed:

Reason	Date	FR Cite
Transferred to Family Support Administration under RIN 0970-aa58	08/26/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheldon Shalit 202 245-0384

RIN: 0991–AA42

615. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

CFR Citation: 45 CFR 76

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19200
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gary Houseknecht 202 245-7565

RIN: 0991–AA43

616. PROGRAM FRAUD CIVIL REMEDIES

CFR Citation: 45 CFR 79

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0991-aa41	08/26/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Joel Schaer 202 472-5270

RIN: 0991–AA50

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Final Rule Stage

617. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS North Building, 330

HHS—HHSDM

Final Rule Stage

Independence Avenue, SW, Washington, DC 20201, 202 475-0150

RIN: 0990–AA02

618. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN PROCEEDINGS WHERE THE UNITED STATES IS NOT A PARTY

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 45 CFR 2

Legal Deadline: None

Abstract: Part 2 of Title 45, CFR, governs the testifying of HHS employees as part of their official duties in litigation where neither the United States nor other Federal agencies are parties. This rule will amend Part 2 to clarify it and to resolve minor technical problems.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, Wilbur J. Cohen Building, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 475-0150

RIN: 0990–AA03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Proposed Rule Stage

619. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq; Federal Payment for Foster Care and Adoption Assistance; 42 USC 620 et seq Child Welfare Services; 42 USC 1302 Rules and Regulations

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Betty Stewart, Associate Commissioner, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, 202 755-7600

RIN: 0980–AA08

620. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: These rules will make technical changes in 45 CFR 1351 to incorporate changes made by reauthorization of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
NPRM	03/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Paget W. Hinch, Associate Commissioner, ACYF/HDS, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, 202 472-4426

RIN: 0980–AA11

621. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 42 CFR 1302

Legal Deadline: None

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980–AA17

622. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

Abstract: The NPRM will propose changes in existing regulations related to program design including class size, hours of operation, and program options such as center-based and home-based Head Start services. The NPRM will also propose, in a new Part, the requirements for home-based Head Start services.

HHS—HDSO **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980–AA18

623. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980–AA20

624. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Legal Authority: 42 USC 9839

CFR Citation: 45 CFR 1308

Legal Deadline: None

Abstract: The NPRM will propose to establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jane DeWeerd, Child Development Specialist, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, PO Box 1182, Washington, DC 20013, 202 755-7944

RIN: 0980–AA21

625. HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Legal Authority: 45 USC 9831 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Box 1182, Washington, D.C. 20013, 202 755-0590

RIN: 0980–AA27

626. HEAD START: LIMITS ON COSTS OF DEVELOPMENT AND ADMINISTRATION

Legal Authority: 42 USC 9839

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: 45 CFR 1301.32 is being amended to provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 5851, 400 6th Street, S.W., Washington, DC 20213, 202 755-0590

RIN: 0980–AA32

627. HEAD START PERFORMANCE STANDARDS FOR INFANTS AND TODDLERS

Legal Authority: 42 USC 9831 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The NPRM will propose to establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants and toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 5851, 400 6th Street, S.W., Washington, D.C. 20213, 202 755-0590

RIN: 0980–AA33

628. ADOPTION AND FOSTER CARE INFORMATION

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: NPRM, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: None

HHS—HDSO

Proposed Rule Stage

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Administration for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, Room 5030, 400 6th Street, S.W., Washington, DC 20213, 202 755-7726

RIN: 0980–AA35

629. DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: NPRM, Statutory, April 30, 1988.

Abstract: This proposed rule will amend current regulations to implement statutory changes made by passage of Public Law 100-146, the Developmental Disabilities Assistance and Bill of Rights Act of 1987. The NPRM will include proposals to establish a peer review process for the University Affiliated Facilities program, set forth standards to assure that States supplement and do not supplant program resources, and revise paperwork and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: James J. Colarusso, Director, Management Services, Administration on Developmental Disabilities, Department of Health and Human Services, Office of Human Development Services, Room 351-D, 200 Independence Ave., S.W., Washington, DC 20201, 202 245-2890

RIN: 0980–AA36

630. ● CHILD ABUSE AND NEGLECT: TECHNICAL AMENDMENTS

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: Technical and conforming changes will be made in 45 CFR 1340 to implement statutory changes made by the recent reenactment of the Child Abuse Prevention and Treatment Act.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Susan Weber, Deputy Associate Commissioner, National Center on Child Abuse and Neglect, Department of Health and Human Services, Office of Human Development Services, Room 2030, 400 6th St., S.W., Washington, DC 20213, 202 755-7600

RIN: 0980–AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Final Rule Stage

631. NONRECURRING COSTS OF ADOPTION

Legal Authority: 42 USC 673

CFR Citation: 45 CFR 1356

Legal Deadline: None

Abstract: This rule will implement new statutory requirements for States to establish a program to reimburse parent(s) who adopt a child with special needs for their nonrecurring costs of adoption.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12436
NPRM Comment Period End	06/13/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Beverly Stubbee, Department of Health and Human Services, Office of Human Development Services, Children's Bureau, P.O. Box 1182, Washington, D.C. 20201, 202 755-7447

RIN: 0980–AA24

632. NATIVE HAWAIIAN LOAN FUND DEMONSTRATION PROJECT

Legal Authority: 42 USC 2991 et seq

CFR Citation: 45 CFR 1336

Legal Deadline: Final, Statutory, March 29, 1988.

Abstract: This rule will amend regulations that implement recent statutory changes in the Native American Programs Act to set forth the procedures and criteria to be used in making a demonstration grant to operate a revolving loan fund for the purpose of economic and social self-sufficiency of Native Hawaiians.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/24/88	53 FR 23964
Final Action	12/30/88	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jan Phalen, Program Analyst, Administration for Native Americans, Department of Health and Human Services, Office of Human Development Services, Room 5300, 330 Independence Ave., S.W., Washington, DC 20201, 202 245-7714

RIN: 0980–AA37

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

633. HEAD START PERSONNEL POLICIES

Significance: Regulatory Program

CFR Citation: 45 CFR 1301

Completed:

Reason	Date	FR Cite
Final Action	02/29/88	53 FR 5975
Final Action Effective	03/30/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn 202 755-0590

RIN: 0980–AA10

634. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GRANTS TO INDIAN TRIBES; AND GRANTS TO ORGANIZATIONS SERVING OLDER HAWAIIANS FOR SUPPORTIVE AND NUTRITION SERVICES

CFR Citation: 45 CFR 1321; 45 CFR 1326; 45 CFR 1328

Completed:

Reason	Date	FR Cite
Final Action	08/31/88	53 FR 33758
Final Action Effective	08/31/88	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Frederick Luhmann 202 245-2618

RIN: 0980–AA34

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

635. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404U; 20 CFR 416F

Legal Deadline: None

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee may be used for other members of the AFDC Unit. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31886
NPRM Comment Period End	10/21/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA90

636. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. Because of the advances in medical technologies and practice in this area we anticipate the need to revise the criteria in the Listing of Impairments to bring this section up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AA99

637. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revisions to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1757

RIN: 0960–AB00

638. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1599 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AB01

639. ● SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The proposed rule changes SSI policy to consider Veterans Administration payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960–AB09

640. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-8471

RIN: 0960–AB38

641. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416E

Legal Deadline: None

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. The 10 percent requirement will apply only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. The

proposed rules, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986 through FY 1989 - program costs of $18 million per year and administrative costs of $ .5 million per year.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AB40

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642. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will incorporate into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AB73

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643. OASDI & SSI PROGRAMS; DEFINITION OF OVERPAYMENT AND LIABILITY FOR REPAYMENT OF AN OVERPAYMENT

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a

Legal Deadline: None

Abstract: These proposed rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes a Social Security benefit overpayment or a Supplemental Security Income benefit overpayment to a joint account owner in certain cases in which the beneficiary is deceased and payment is made after death. Also, we propose to add clarifying changes to the title II and title XVI regulations to explain the procedures used to collect benefit overpayments.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB78

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644. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None

Abstract: This proposed regulation provides that assets held in any revocable or irrevocable trust or any other similar legal device including but not limited to gifts made in accordance with the Uniform Gifts to Minors Act, if available for the beneficiary's support and maintenance, will be a countable resource. It would include as a resource trust assets that could be but are not disbursed to the beneficiary either at the discretion of the trustees or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1756**

RIN: 0960–AB79

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645. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AND ORGANIZATION AND PROCEDURES; APPLICATION OF CIRCUIT COURT LAW

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422E; 20 CFR 404J; 20 CFR 410F; 20 CFR 416N

Legal Deadline: None

Abstract: The proposed regulations describe a new type of Social Security Ruling which is available to the public and which is issued when the decision of a United States Court of Appeals conflicts with Social Security Administration policy. The Ruling states how the decision is applied to claims of persons living in the particular circuit.

Timetable:

Action	Date	FR Cite
Prior Notice of Proposed Rulemaking	01/23/87	52 FR 02557
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AB85

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646. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L 97-458 enacted January 12, 1983, which provides that Indian judgement funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income program (2) Pub. L 95-64 enacted August 7, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L 100-241 enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation. Some savings in program costs may result from these changes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB86

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647. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe the medical criteria that apply only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB96

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648. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL EVALUATION CRITERIA FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 10.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes multiple body system impairments which are severe enough to prevent a person from doing any gainful activity. We are proposing to add the criteria for evaluation of AIDS to this section. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 695-1759**

RIN: 0960–AC06

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649. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; THE HEARINGS AND APPEALS PROCESS AND REOPENING DETERMINATIONS AND DECISIONS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 404

CFR Citation: 20 CFR 404J; 20 CFR 404R; 20 CFR 410F; 20 CFR 416N; 20 CFR 416O; 20 CFR 422

Legal Deadline: None

Abstract: These regulations propose changes in the policies and procedures governing the hearings and appeals process, and in the structure of SSA's Appeals Council, which conducts the last step in the administrative review process; clarify certain issues with respect to the scope of that review; and make changes in other parts of the process related thereto. The regulations will also propose changes in the regulations concerning SSA's authority to reopen and revise determinations and decisions which have become final.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1769

RIN: 0960–AC15

650. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404D

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960–AC16

651. SUPPLEMENTAL SECURITY INCOME PROGRAM; EMPLOYMENT OPPORTUNITIES FOR THE DISABLED

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 99-643, Sec 5

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.263; 20 CFR 416.264; 20 CFR 416.265; 20 CFR 416.266; 20 CFR 416.267; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.640; 20 CFR 416.901; 20 CFR 416.990; ...

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2, 3, 4, and 5 of P.L. 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; (2) allow certain blind and disabled beneficiaries to receive up to 2 months of SSI benefits during temporary periods when they are in certain institutions; and (3) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1757

RIN: 0960–AC22

652. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Significance: Agency Priority

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960–AC26

653. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be $2 million per year in program costs and less than $1 million and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC28

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654. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM AND ORGANIZATION AND FUNCTIONS; RECORDS OF EARNINGS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 404.820a; 20 CFR 404.831; 20 CFR 422.125

Legal Deadline: None

Abstract: This proposed regulation will establish rules on the evidence an individual must submit with a request to correct the Secretary's record of earnings and state the conditions under which the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester, rather than requiring the agency to attempt to obtain evidence from the employer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC30

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655. ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: The proposed regulation will reflect the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens when they apply for temporary legal resident status. Rules on evidence needed to support an application are being updated and revised. The proposed regulations will also reflect the role of the States in obtaining applications for Social Security numbers from welfare claimants and recipients. Savings for the Federal government are estimated to be $5.9 million for FY 1988 and $6.3 million for subsequent years.Virtually all of the savings are derived from the provision to reflect the role of the States in enumeration of welfare recipients.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC34

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656. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAST WORK EXPERIENCE AND ADJUSTMENT TO OTHER WORK

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1562; 20 CFR 404.1565; 20 CFR 416.962; 20 CFR 416.965

Legal Deadline: None

Abstract: We are proposing to include in our regulations vocational evaluation standards used in determining disability under titles II and XVI of the Social Security Act (the Act). The guidelines apply to assessing past work as a vocational factor and evaluating medical-vocational circumstances demonstrating an inability to make an adjustment to other work. These standards are presently contained in Social Security Rulings (SSR's) and the Program Operating Manual System (POMS).

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC39

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657. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are proposing to no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC40

658. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations will place a limitation on the rates of payment a State may pay for laboratory tests purchased by the disability determination services (DDS). Under these proposed regulations a DDS will be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) Medicare Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AC41

659. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 1102

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated since these proposed regulations will codify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC42

660. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM COUNTABLE RESOURCES OF THE VALUE OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1212

Legal Deadline: None

Abstract: We propose to amend the regulations under the Supplemental Security Income program to provide that the current market value of an installment sales contract is excluded as part of an excluded home when certain conditions are met. The costs will be insignificant since the policy is currently in use under our operating instructions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1756**

RIN: 0960–AC43

661. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-272, Sec 13205; PL 99-514, Sec 1895

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations reflect statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agriculture labor situations; and (3) Work for a spouse or parent. Additionally, employer-paid insurance premiums may be wages and the year for reporting corporate directors income has been changed. Last, Medicare coverage is provided to many previously uncovered State and local government employees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC45

662. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Significance: Agency Priority

Legal Authority: 42 USC 402 (b),(c),(e),(f),(g); PL 100-203, Sec 9007

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered employment. The Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC46

663. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM RESOURCES OF FUNDS SET ASIDE FOR BURIAL AND BURIAL SPACES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1231

Legal Deadline: None

Abstract: We propose to amend our regulations to reflect the changes made by section 9105 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) and to make other policy changes concerning the treatment of burial spaces and certain funds set aside for burial expenses in the Supplemental Security Income program. The cost/savings and workyear impact for this NPRM have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35830
NPRM Comment Period End	11/14/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1756**

RIN: 0960–AC48

664. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXEMPTION OF CERTAIN ASSISTANCE PAYMENTS FROM RETROSPECTIVE MONTHLY ACCOUNTING

Legal Authority: PL 100-203, Sec 9106

CFR Citation: 20 CFR 416.420

Legal Deadline: None

Abstract: Section 9106 of P.L. 100-203 exempts certain income from retrospective monthly accounting in determining a person's Supplemental Security Income (SSI) benefit amount. Generally, an SSI benefit for a month is computed using income from two months prior. Section 9106, which is reflected in this regulation change, provides for the following types of income to be used only in the month received to compute the benefit amount: (1) Aid to Families with Dependent Children (AFDC); (2) Foster Care (Title IV-E); (3) Refugee Cash Assistance; (4) Cuban and Haitian Entrant Assistance; and (5) Bureau of Indian Affairs general assistance and child welfare assistance. Program costs are expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC49

665. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN EMERGENCY ADVANCE PAYMENTS

Legal Authority: 42 USC 1383(a); PL 100-203, Sec 9109

CFR Citation: 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1403

Legal Deadline: None

Abstract: The proposed rules will reflect section 9109 of Pub. L. 100-203. They raise the amount of the emergency advance payment that can be paid to a person presumptively eligible for SSI payments. Because the emergency advance payment is an advance of benefits and later deducted from the benefits due an individual, no increased costs are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC50

666. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

Legal Authority: 42 USC 1302; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

Legal Deadline: None

Abstract: These proposed rules reflect sec. 9110 of Pub.L. 100-203. They extend Interim Assistance Reimbursement to cases in which assistance is provided by a State while an individual's Supplemental Security Income (SSI) payments are suspended or terminated and then subsequently reinstated. Current regulations provide for reimbursement to a State only for interim assistance payments made while an individual's initial application for SSI is pending. No additional

program costs are anticipated since the amount reimbursed to the State is later deducted from the individual's SSI payments.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC51

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667. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

Legal Authority: PL 100-203, Sec 9120

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Legal Deadline: None

Abstract: The regulation reflects the provisions of section 9120 of Pub. L. 100-203 by providing that payments to an individual (including gifts and inheritances) occasioned by the death of another person are not considered income for supplemental security income purposes to the extent that such payments are expended by such individual for purposes of the deceased person's last illness and burial. Also, the regulations propose a policy change to not consider the same payments as resources for one month following receipt. Any increased costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC52

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668. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR PERSON IN MEDICAID INSTITUTION

Legal Authority: PL 100-203, Sec 9115

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040

Legal Deadline: None

Abstract: This amendment requires continued payment based on the full payment rate to persons eligible for SSI payments under section 1611(e) of the Act who enter certain medical institutions but whose stay is not expected to last more than 3 months and who have continuing expenses associated with maintaining their homes. For the period of hospitalization, such persons' benefits will be based on living arrangements prior to institutionalization.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC55

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669. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SOCIAL SECURITY NUMBERS FOR NEWBORN CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 422.103

Legal Deadline: None

Abstract: Under the proposed rule, a parent will be able to request a Social Security number in the hospital when he or she provides birth registration information for a newborn child. The State vital statistics office will receive the information and the request from the hospital and electronically transmit this information to the Social Security Administration (SSA). SSA will assign a Social Security number to the child and send a card to the parents. We expect annual savings of $11.4 million. A pilot project in three States has shown this procedure to be efficient and well-received.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC56

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670. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule will change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses will be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who will be affected by these proposed changes any additional program costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC57

HHS—SSA

Proposed Rule Stage

671. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.455

Legal Deadline: None

Abstract: We have learned that old-age and survivors' insurance beneficiaries whose estimate of earnings for the current year is more than the exempt amount for that year, but is equal to or less than the prior year's earnings, tend to underestimate or fail to report their work for the next year which results in overpayments. We are proposing an addition to the current regulation which will clarify that our interpretation of Section 203(h)(3) and (h)(4) of the Social Security Act permits SSA to request estimates of earnings for the next taxable year as well as the current taxable year. If a beneficiary does not furnish the requested future year's earnings estimate, we will use the estimate for the current year to determine whether to withhold benefits for the next year. We estimate savings of $3.5 million per year.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

672. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. This regulation includes changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AA22

673. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None

Abstract: The proposed rules would provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discovered an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA59

674. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Significance: Agency Priority

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4; PL 99-272, Sec 12112; PL 99-335, Sec 301; PL 97-248, Sec 278; PL 98-369, Sec 2601; PL 99-221, Sec 3

CFR Citation: 20 CFR 404.1018

Legal Deadline: None

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by sec. 4 of Pub. L. 98-118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Also, the proposed regulations would codify section 12112 of Pub. L. 99-272 which provides exemption from Social Security coverage for retired Federal judges on active duty. In addition, the proposed regulations would provide: 1) that Federal employees not otherwise subject to the Social Security tax are nevertheless subject to the Health Insurance portion of the tax under Pub. L. 97-248, 2) that individuals covered by the Civil Service Retirement System may elect during a limited time to be covered under the Federal Employees Retirement System, which includes Social Security coverage under Pub. L. 99-335, and 3) that certain periods are

excluded in determining continuous Federal service under Pub. L. 98-369 and Pub. L. 99-221.(continued)

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: With the exception of Pub. L. 99-335, there are no additional cost/savings associated with this regulation because the provisions are already in effect. Pub. L. 99-335 is expected to produce trust fund tax revenue of approximately $2 billion for fiscal year (FY) 1988 to FY 1993 and administrative costs of approximately $300 million for the same period.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AA89

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675. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AB05

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676. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: None

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB22

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677. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME—FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	52 FR 34813
NPRM Comment Period End	11/16/87	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1755**

RIN: 0960–AB29

678. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, AND OTHER CHANGES

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None

Abstract: These regulations for administering the disability determination function make changes to improve the disability determination process by modifying our State agency monitoring and technical and management assistance procedures, administrative standards, and fiscal, audit, and appeals requirements. They also clarify when we will find that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB36

679. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404V; 20 CFR 416V

Legal Deadline: None

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to vocational rehabilitation agencies (VRAs) for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRAs for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB37

680. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, the person's impairments are evaluated throughout the full sequential evaluation process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 08726
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB39

681. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

Legal Deadline: None

Abstract: These proposed regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35577
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1759**

RIN: 0960–AB41

682. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENT TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302; 42 USC 402

CFR Citation: 20 CFR 404.407; 20 CFR 404.612

Legal Deadline: None

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the insured individual within 3 months after the month of the insured individual's death. We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21687
NPRM Comment Period End	08/08/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where individuals are able to elect the lower family maximum (based on DIB) on behalf of the deceased NH.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AB87

683. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486

Legal Deadline: None

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ returns the case to the Appeals Council with a recommended decision, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The proposed regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council decides to review the decision on its own. The change will permit prompter final decisions and some administrative savings. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38466
NPRM Comment Period End	12/15/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC07

684. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC13

685. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGES-- DEFERRED COMPENSATION

Legal Authority: PL 98-21; PL 99-514; PL 98-369

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1068; 20 CFR

404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1070; ...

Legal Deadline: None

Abstract: P. L. 98-21, the Social Security Amendments of 1983, changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan (SEP). Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. P.L. 98-369 amended the wage exclusion for qualified bond purchase plans. P.L. 99-514 excluded from coverage payments under a cafeteria plan as described in section 125 of the Internal Revenue Code. Section 1882 of P.L. 99-514 amends the law for determining self-employment income when an individual works for a church or church-controlled organization which has elected not to pay social security taxes. Section 1704 of P.L. 99-514 amends the law for receiving an exemption from social security coverage for members of religious orders, ministers, and Christian Science practitioners. The regulations will be updated to reflect and implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24727
NPRM Comment Period End	08/29/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC27

686. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Legal Deadline: None

Abstract: These proposed regulations reflect longstanding policies followed by the Social Security Administration in making disability determinations and remove an ambiguity which exists in the present regulations regarding the factors that are considered when it is determined that a claimant is not disabled because he or she is able to do his or her past work. These proposed regulations do not reflect a substantive change in policy and are intended only to clarify what has always been agency policy.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21685
NPRM Comment Period End	08/08/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC31

687. ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR ORIGINAL OR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: The proposed regulations will allow the Social Security Administration (SSA) to test procedures that will provide an exception to the current requirement that an applicant for a duplicate card must submit corroborative evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC32

688. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: We propose to add Down Syndrome to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide for evaluation of Down syndrome claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37161
NPRM Comment Period End	12/04/87	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

HHS—SSA

Final Rule Stage

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AC35

689. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD; AND TRANSFER OF ASSETS FOR LESS THAN FAIR MARKET VALUE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1246

Legal Deadline: Final, Statutory, April 1, 1988.

Abstract: We have amended regulations under the Supplemental Security Income program to implement sections 9103 and 9104 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) dealing with the disposition and transfer of resources in determining eligibility for SSI benefits. The cost/savings and workyear impact for these regulations have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13254
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1756**

RIN: 0960–AC47

690. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PUBLIC EMERGENCY SHELTERS FOR THE HOMELESS, EXCLUSION OF UNDERPAYMENTS, INCREASE IN PERSONAL NEEDS ALLOWANCE

Legal Authority: PL 100-203, Sec 9113; PL 100-203, Sec 9114; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.432; 20 CFR 416.1160; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1233; 20 CFR 416.2095; 20 CFR 416.2096; 20 CFR 416.2097; 20 CFR 416.2098; 20 CFR 416.1099

Legal Deadline: None

Abstract: These interim regulation will reflect sections 9113, 9114, and 9119 of Pub.L. 100-203 by increasing the number of months an individual who resides in a public emergency shelter for the homeless may be eligible for SSI payments, by temporarily extending the time period during which any retroactive payments made under the title II and title XVI programs will be excluded from resources, and increasing the benefit rate for persons in medical institutions where Medicaid pays more than one-half the cost of their care. We anticipate only a negligible increase in program costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1753**

RIN: 0960–AC54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Completed Actions

691. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

CFR Citation: 20 CFR 404M

Completed:

Reason	Date	FR Cite
Final Action	08/29/88	53 FR 32972

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Duane Heaton 301 965-8470

RIN: 0960–AA13

692. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

CFR Citation: 20 CFR 404H

Completed:

Reason	Date	FR Cite
Regulatory Action Discontinued	05/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Phil Berge 301 965-1769

RIN: 0960–AA54

693. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

CFR Citation: 20 CFR 416.2101 to 416.2176

Completed:

Reason	Date	FR Cite
Final Action	04/20/88	53 FR 12938

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: C. H. Campbell 301 965-1794

RIN: 0960–AB28

694. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Agency Priority

CFR Citation: 20 CFR 404.1597; 20 CFR 404.1597a; 20 CFR 416.995; 20 CFR 416.996

Completed:

Reason	Date	FR Cite
Final Action	08/02/88	53 FR 29011

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar 301 965-1795

RIN: 0960–AB30

695. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

CFR Citation: 20 CFR 416

Completed:

Reason	Date	FR Cite
Final Action	05/10/88	53 FR 16615

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar 301 965-1795

RIN: 0960–AB32

696. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; DETERMINING DISABILITY AND BLINDNESS, MEDICAL-VOCATIONAL GUIDELINES, ILLITERACY AND INABILITY TO COMMUNICATE IN ENGLISH

CFR Citation: 20 CFR 404P; 20 CFR 416I

Completed:

Reason	Date	FR Cite
Regulatory action discontinued	07/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short 301 965-1757

RIN: 0960–AB94

697. SUPPLEMENTAL SECURITY INCOME PROGRAM; SPOUSAL DEEMING COMPUTATION INVOLVING STATE SUPPLEMENTATION

CFR Citation: 20 CFR 416.1163(d); 20 CFR 416.2025(b)

Completed:

Reason	Date	FR Cite
Final Action	07/05/88	53 FR 25150

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Dave Smith 301 965-1758

RIN: 0960–AB95

698. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROHIBITION ON DIRECT PAYMENT OF FEES TO REPRESENTATIVES

CFR Citation: 20 CFR 416.1520; 20 CFR 416.1525; 20 CFR 416.1528; 20 CFR 416.1335

Completed:

Reason	Date	FR Cite
Withdrawn	05/23/88	53 FR 18292

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger 301 965-8471

RIN: 0960–AC08

699. SUPPLEMENTAL SECURITY INCOME PROGRAM; DEFINE OUT OF RESOURCES FOR ONE MONTH CERTAIN CASH PAYMENTS FOR MEDICAL/SOCIAL SERVICES

CFR Citation: 20 CFR 416.1201(a)

Completed:

Reason	Date	FR Cite
Final Action	06/21/88	53 FR 23230

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry Lerner 301 965-1756

RIN: 0960–AC11

700. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AGAINST EQUITY AND GOOD CONSCIENCE: DEFINED

CFR Citation: 20 CFR 404.509; 20 CFR 416.554

Completed:

Reason	Date	FR Cite
Final Action	07/07/88	53 FR 25481

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton 301 965-8470

RIN: 0960–AC33

701. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF EXPIRATION DATE FOR MENTAL DISORDERS LISTINGS

Significance: Agency Priority

Legal Authority: 42 USC 1102

CFR Citation: 20 CFR 404P (Appendix)

Legal Deadline: None

Abstract: These final regulations will extend the expiration date of the mental disorders listing (12.00 of Part A of the Appendix to subpart P of Part 404) through August 27, 1990. No changes are being made and no additional costs are anticipated.

Timetable:

Action	Date	FR Cite
Final Action	08/09/88	53 FR 29878

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC44

702. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF CERTAIN SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Legal Authority: PL 100-203, Sec 9101

CFR Citation: 20 CFR 416.1157

Legal Deadline: None

HHS—SSA

Completed Actions

Abstract: These final regulations implement section 9101 of Pub.L. 100-203, which makes permanent the provisions of section 1612(b)(13) of the Social Security Act. Section 1612(b)(13) provides that certain support and maintenance assistance not be counted as income when determining an individual's eligibility for and the amount of his or her supplemental security income payments. We anticipate minimal, if any, additional costs.

Timetable:

Action	Date	FR Cite
Final Action	09/15/88	53 FR 35807
Final Action Effective	09/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1757**

RIN: 0960–AC53

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Centers for Disease Control (CDC)

Proposed Rule Stage

703. ● SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The NPRM has a 90-day comment period, with the final rule to be published by December 22, 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
Public Hearingapprox 30 days after publication	11/00/88	
NPRM Comment Period End	12/30/88	
Final Action	03/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, **404 639-1880**

RIN: 0905–AC83

704. ● HEALTH ASSESSMENTS AND HEALTH EFFECTS STUDIES OF HAZARDOUS SUBSTANCES RELEASES AND FACILITIES

Legal Authority: 42 USC 9601 et seq, Sec 104(i) amended by Sec 110 of SARA; 42 USC 6939a(c)

CFR Citation: 42 CFR 90

Legal Deadline: None

Abstract: This regulation sets forth procedures the Agency for Toxic Substances and Disease Registry (ATSDR) will follow in determining when and how to conduct health assessments and health effects studies at hazardous substances releases and facilities. In addition to CERCLA-authorized health assessments and health effects studies, this regulation also applies to ATSDR health assessment activity under the Resource Conservation and Recovery Act (RCRA) (42 USC 6939a(c)). This proposal also contains provisions pertaining to the establishment of administrative records for ATSDR health assessments and health effects studies, for tracking costs of these studies for cost recovery purposes, and for safeguarding trade secret and other confidential information.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32259
NPRM Comment Period End	10/24/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Ralph J. Touch, Jr., Director, Planning and Special Programs, ATSDR, Department of Health and Human Services, Public Health Service, Chamblee 27, F38, 1600 Clifton Road, Atlanta, GA 30333, **404 488-4853**

RIN: 0905–AC84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

705. NIOSH REVISION OF TESTS AND REQUIREMENTS OF CERTIFICATION OF PERMISSIBILITY OF RESPIRATORY PROTECTIVE DEVICES USED IN MINES AND MINING

Significance: Regulatory Program

Legal Authority: 30 USC 801; 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to certification. Third, the resources required to conduct routine respirator certification testing made it important for NIOSH alone to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in assuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal Government could continue its present role of total operation of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: respirator system. NIOSH selected alternative number (3). Cost is yet to be determined. Public hearings on the proposal were held on January 20, 1988, in San Francisco, and on January 27-28 in Washington, DC. The record for these hearings closed February 27, 1988.

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, 404 639-3901

RIN: 0905–AB58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Centers for Disease Control (CDC)

706. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

CFR Citation: 42 CFR 51e

Completed:

Reason	Date	FR Cite
Withdrawn	05/25/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Anthony M. Scardaci 404 639-1802

RIN: 0905–AB43

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

707. DRUG EXPORTS

Significance: Agency Priority

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendments, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wayne Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905–AC44

HHS—PHS—FDA

Prerule Stage

708. ● COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905–AC72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

709. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AA73

710. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review

NPRM 01/00/89

Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review

NPRM 12/24/85 (50 FR 52602)

Comment Period Ends 03/24/86 (50 FR 52602)

Final Action 03/00/89

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research

(HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AA75

711. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Agency Priority

Legal Authority: 21 USC 360b Federal, Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency. A separate proposed rule would provide for reporting requirements for marketed animal drugs.

Timetable:

New Animal Drug Approval Process
NPRM 03/00/89

Rptg. Requirements for Marketed Animal Drugs
NPRM 12/00/88

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: AGENCY CONTACT CONT: For Information Concerning Reporting Requirements for Marketed Animal Drugs Contact: Andrew J. Beaulieu, Director, Division of Surveillance, Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3044

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905–AA96

712. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) and 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). The agency is now considering what it options are with regard to the GRAS status of 1) sulfiting agents used on "fresh" potatoes and 2) other food uses of sulfiting agents. Options being considered are: 1) affirming all uses of sulfiting agents as GRAS with specific limitation; 2) affirming most uses of (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
EFFECTIVE DATE 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 12/10/87 (52 FR 46968)
Final Action 03/00/89

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 10/00/88
Final Action 00/00/00

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)

Sulfiting Agents in Standardized Foods; Labeling Requirements
NPRM 10/00/88
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: sulfiting agents as GRAS (excluding certain potato products) with specific limitations; and 3) revoking the GRAS status of all uses of sulfiting agents in food.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, S.W., Washington, DC 20204, 202 **426-9463**

RIN: 0905–AB52

713. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting

scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AB53

714. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905–AB55

715. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905–AB63

716. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Agency Priority

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Legal Deadline: None

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications

(ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market. This issue is currently under Congressional review. Further agency action contingent upon Congressional review.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: **Richard A. Carnevale**, Deputy Director, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4314**

RIN: 0905–AB72

717. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA will propose to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy. OSTP has advised the Agency that concurrent publication of the final Model Policy and FDA's proposed rule is needed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Bonnie M. Lee, Public Health Advisor**, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905–AC52

718. ● MENSTRUAL TAMPONS; PROPOSED USER LABELING

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 352; 21 USC 360; 21 USC 371; 21 USC 374

CFR Citation: 21 CFR 801.430

Legal Deadline: None

Abstract: FDA is considering a proposal to require tampon manufacturers to include on the package label information to describe absorbency of the tampon. The NPRM would also propose requiring that absorbency be determined in accordance with a specific test method.

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 37250
NPRM Comment Period End	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Les Weinstein**, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4874**

RIN: 0905–AC54

719. ● ACTION LEVELS FOR ADDED POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD (INCLUDING ANIMAL FEED)

Significance: Regulatory Program

Legal Authority: 21 USC 342(a)(1)

CFR Citation: 21 CFR 109; 21 CFR 509

Legal Deadline: None

Abstract: FDA is considering a proposed rule that would (1) amend its regulations creating and describing action levels for added poisonous or deleterious substances in food (including animal feed) to make clear that these action levels are prosecutorial guidelines rather than substantive rules, and (2) revoke the provisions for exceptions to action levels in 21 CFR Part 109 (human food) and 21 CFR Part 509 (animal feed).

Timetable:

Action	Date	FR Cite
Notice of Circuit Court Decision	02/19/88	53 FR 5043
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: **John R. Wessel**, Director, Contaminants Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1815**

RIN: 0905–AC73

720. ● PRESCRIPTION DRUG MARKETING ACT OF 1987; IMPLEMENTATION

Significance: Agency Priority

Legal Authority: PL 100-293

CFR Citation: 21 CFR 399

Legal Deadline: Final, Statutory, October 20, 1988.
Statutory date applies only to issuing guidelines for State licensing of wholesale drug distributors.

Abstract: The Prescription Drug Marketing Act of 1987 (the new law) amends the Federal Food, Drug, and Cosmetic Act to: (1) require State

HHS—PHS—FDA

Proposed Rule Stage

licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer or for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. The new law requires that the guidelines under (1) above be promulgated as a regulation, through notice and comment rulemaking. It also provides that the prohibition against distribution of prescription drugs by unlicensed wholesalers becomes effective two years (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/00/88	
Comment Period End		
Final Action	10/00/90	
Effective		
NPRM	00/00/00	
Final Decision on Further Regulations	00/00/00	

Prescription Drug Marketing Act; Information Letter
Notice 08/08/88 (53 FR 29776)

Reimportation of Prescription Drugs; Import Alert
Notice 07/26/88 (53 FR 28069)

Wholesale Drug Distributors; Guidelines for State Licensing
NPRM 09/13/88 (53 FR 35325)
NPRM Public Comment Period End 10/13/88
Final 10/00/88

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: after the final regulation is published by the agency in the FEDERAL REGISTER. FDA has developed guidance information respecting other sections of the new law. After seeking comments from the regulated industry and other interested persons, the agency will decide what, if any, regulations are necessary for implementing the other sections and will establish timeframes for the development of those regulations.

Agency Contact: Richard Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC81

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

721. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM (cont)

Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products (To be merged w/other rulemkg)
ANPRM 05/21/82 (47 FR 22324)

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 08/15/88 (53 FR 30756)

Antacid Drug Products
ANPRM 04/05/73 (38 FR 8714)
NPRM 11/12/73 (38 FR 31260)
Final Action 06/04/74 (39 FR 9862)

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 12/11/87 (52 FR 47312)

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
NPRM 06/15/88 (53 FR 22430)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)
Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products
NPRM 11/12/73 (38 FR 31260)
Final Action 06/04/74 (39 FR 19877)
NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 12/00/88

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 02/00/89

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 04/00/89

Astringent (Wet Dressings) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 02/20/87 (52 FR 5406)
Final Action 00/00/00

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 01/26/88 (53 FR 2198)
Final Action 00/00/00

Camphorated Oil Drug Products
ANPRM 09/26/80 (45 FR 63869)
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)
NPRM (Amendment) 08/15/88 (53 FR 30786)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 02/20/87 (52 FR 5412)
Final Action 00/00/00

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
NPRM (Amendment) 08/24/87 (52 FR 31892)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 08/25/88 (53 FR 30522)
Final Action 00/00/00

Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 04/00/89

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 04/00/89

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 00/00/00

Daytime Sedatives
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2706)
Final Action 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) 07/30/86 (51 FR 27360)
NPRM (Amendment) 08/25/88 (53 FR 32592)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 04/00/89

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bite & Sting (Relief) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26386)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 12/00/88

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 12/00/88

Mercurial (Topical) Products (To be merged w/other rulemkg)
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 10/00/88

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Health Care Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
Final Action 00/00/00

Oral Mucosal Injury Products (Merged w/Oral Health Care)
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)

Oral Wound Healing Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)

Otic Products (Earwax)
NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)

Otic Products (Swimmers Ear)
NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Overindulgence Remedies/Prevention of Inebriation
ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 12/00/88

Poison Ivy/Oak/Sumac Prevention (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 02/00/89

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stimulant Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)
Sunscreen Products
ANPRM 08/25/78 (43 FR 38206)
NPRM 00/00/00
Sweet Spirits of Nitre
ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Vitamin/Mineral Products
ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 00/00/00
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8000

RIN: 0905–AA06

722. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Legal Deadline: None

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices. Seventeen comments were received in response to the proposed rule, five from pharmaceutical companies, six from trade/professional associations, three from consultants, two from veterinary practitioners, and one from a Federal agency. Only three of those commenting supported the proposal. The remaining 14 comments opposed the proposal. The agency is reevaluating the proposal in light of the comments received. In December 1987, a district court held that veterinarians may obtain and compound bulk drugs for use in their practices without approval by FDA. The Federal government has appealed this decision which has been stayed by the court of appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
NPRM Comment Period End	09/30/85	50 FR 27016
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald A. Gable, Director, Division of Therapeutic Drugs for Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-130), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1414

RIN: 0905–AB01

723. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Agency Priority

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b) to 376(d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 1 color additive remains on the provisional list. The agency is presently reviewing petitions to list the color additive permanently. Because FD&C Red No. 3 animal feeding studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed tumorigenic response in the animal feeding (cont)

Timetable:

D&C Red No. 33
Final Action 08/30/88 (53 FR 33110)
D&C Red No. 36
Final Action 08/02/88 (53 FR 29024)
FD&C Red No. 3
Final Action 00/00/00
FD&C Red No. 3; Extension of Provisional Listing
NPRM 08/30/88 (53 FR 33147)
FD&C Red No. 3; Request for Data for Specific Uses
Notice 11/19/87 (52 FR 44485)
FD&C Red No. 3; Request for Data for Specific Uses; Postponement
Notice 12/21/87 (52 FR 48326)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: study. The agency asked a second scientific peer review panel of government scientists to consider data

relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel was also asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. The panel submitted its report to the Commissioner in July 1987. The report was made available to the public in August 1987.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905–AB60

724. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of August 4, 1987, the Food and Drug Administration (FDA) discussed an initiative concerning health-related claims or information on food labeling and the criteria it will apply in evaluating the propriety of such labeling. Consistent with this initiative, FDA proposed to amend certain regulations on food labeling to codify and to clarify its policy on the appropriate use of health-related messages. The agency also announced its intention to form a Public Health Service (PHS) committee that will attempt to develop "health messages" appropriate for use on food labeling.

FDA recognizes that this initiative represents a substantive change in past agency policy, and because of the complexity of the matter and the broad public interest, wishes to proceed cautiously and deliberately in its regulatory approach.

Pending this rulemaking proceeding, the agency will employ the criteria discussed in the preamble to the notice in evaluating the propriety of bringing enforcement action against products bearing health messages on food labeling.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM - Comment Period Ends	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period Ends	01/04/88	52 FR 43772
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AB67

725. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied. Public comments submitted in response to the proposed rule are being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AB68

726. METHYLENE CHLORIDE

Significance: Agency Priority

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None

Abstract: Methylene chloride is used as a solvent in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that

the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride but believes that prohibiting its use in cosmetics is the only approach that will assure that the public health will be fully safeguarded from all such products, both foreign and domestic. FDA announced in the December 18, 1985, NPRM its conclusion that methylene chloride used as a solvent to extract caffeine from green coffee beans was not a danger under the Delaney Clause to the Food Additives Amendment because the risk was so miniscule as to be considered de minimis. FDA is reconsidering this conclusion in light of a recent appeals court (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM - Comment Period Ends	02/18/86	50 FR 51551
NPRM - Comment Period Extended	02/24/86	51 FR 6494
NPRM - Extended Comment Period Ends	04/04/86	51 FR 6494
NPRM - Comment Period Reopened	12/05/86	51 FR 43935
NPRM - Reopened Comment Period Ends	01/05/87	51 FR 43935
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: decision that struck down a similar interpretation of the color additive Delaney Clause.

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905–AC00

727. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None

Abstract: The agency is preparing two proposals and one final rule which will implement the Infant Formula Act of 1986. The final rule will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The first proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The second proposal will establish infant formula microbiological testing, consumer complaints, and record retention requirements.

Timetable:

Infant Form Cons Comp, Micro Test & Recd Retention Reg
NPRM 12/00/88
Infant Formula Current Good Practices; Qual Control Proc
NPRM 00/00/00
Infant Formula Recall
NPRM 08/14/87 (52 FR 30171)
Comment Period Ends 10/13/87 (52 FR 30171)
Final Action 10/00/88

Small Entities Affected: None

Government Levels Affected: None

Additional Information: AGENCY CONTACT CONT: For Information Concerning Infant Formula, Microbiological Testing, Consumer Complaints, Record Retention Requirements, Good Manufacturing Practices, and Quality Control Procedures Contact: Nicholas Duy, Consumer Safety Officer, Center for Food Safety and Applied Nutrition (HFF-204), Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, (202) 245-3117

Agency Contact: Curtis Coker, Consumer Safety Officer, (For Info Concerning Infant Formula Recalls), Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW, Washington, DC 20204, 202 485-0024

RIN: 0905–AC46

728. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the FEDERAL REGISTER of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690

HHS—PHS—FDA **Final Rule Stage**

Action	Date	FR Cite
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the FEDERAL REGISTER of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements.

Agency Contact: Evelyn Osman, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, **202 485-0229**

RIN: 0905–AC48

729. TAMPER-RESISTANT PACKAGING REQUIREMENTS FOR OVER-THE-COUNTER (OTC) DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 321(n); 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 356; 21 USC 357; 21 USC 371

CFR Citation: 21 CFR 211.132

Legal Deadline: None

Abstract: The agency is considering amending the current tamper-resistant packaging regulations and updating information it previously made available on tamper-resistant packaging technologies. Under this approach, the agency is considering revisions to require special precautions against tampering for two-piece, hard, gelatin capsules, the dosage form that has been the subject of fatal tamperings.

The agency is also considering other measures to provide additional guidance to manufacturers regarding tamper-resistant packaging technology and public education to improve consumer's alertness to tampering.

Any action taken would reflect the Administration policy that the consumer is the key to tamper resistance, and the ultimate goal of tamper-resistant packaging is that it should offer a signal to consumers about tampering.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16150
NPRM Comment Period End	07/05/88	53 FR 16150
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Diane Goyette, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA) **Completed Actions**

730. PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, NEW DEVICE APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Agency Priority

CFR Citation: 21 CFR 314

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn pending Congressional action.	08/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marilyn Watson 301 295-8038

RIN: 0905–AB56

731. PATENT TERM RESTORATION FOR CERTAIN REGULATED PRODUCTS (TITLE II OF "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

CFR Citation: 21 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	03/07/88	53 FR 7298
Final Action Effective	05/06/88	53 FR 7298

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip L. Chao 301 443-1382

RIN: 0905–AB65

732. MENSTRUAL TAMPONS; PROPOSED USER LABELING

Significance: Regulatory Program

CFR Citation: 21 CFR 801.430

Completed:

Reason	Date	FR Cite
RIN has been changed to 0905-AC54	08/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

HHS—PHS—FDA Completed Actions

Agency Contact: Les Weinstein 301 443-4874

RIN: 0905–AC58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

733. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule proposes to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before being published as final regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905–AC28

734. POST-BACCALAUREATE FACULTY FELLOWSHIP PROGRAM

Legal Authority: 42 USC 216; 42 USC 297-2

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These proposed regulations would implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905–AC34

735. GRANTS FOR COMMUNITY HEALTH SERVICES: CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUP)

Legal Authority: PL 99-280, Sec 2; 42 USC 254c(b)

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: Section 330(b) of the Public Health Service Act was amended by Section 2 of the Health Services Amendments Act of 1986 (P.L. 99-280). The amendment requires the Secretary to publish, in regulation, criteria for the designation of areas or population groups with shortages of personnel health services. These designated areas are eligible for the award of grants for planning and operating Community Health Centers. The amendment requires that the Secretary consult with the Chief Executive Officer of a State and local officials in publishing MUP designation criteria and in designating or dedesignating MUP. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Purvis, Director, Office of Program and Policy, Development, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 7-15, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC35

736. AREA HEALTH EDUCATION CENTER (AHEC) PROGRAM

Legal Authority: 42 USC 216; 42 USC 295g-l

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: This NPRM proposes to amend the existing regulations governing the Area Health Education Center (AHEC) Program, under section 781 of the Public Health Service Act, to incorporate provisions that would: 1) limit involvement by the Federal Government in the support of any new project to a maximum of 5 years; 2) require an applicant to submit a plan describing how the center will continue operations after a maximum of 5 years of support by the Federal Government; and 3) add an evaluation criteria to include the extent to which minorities or low-income individuals reside in the area served by the Center.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905–AC67

737. DESIGNATION OF MENTAL HEALTH MANPOWER SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the Designation of Health Manpower Shortage Areas authorized by section 332 of the Public Health Service Act, which would replace the current criteria for designations of areas having shortages of psychiatrists with criteria for mental health manpower shortage areas to include not only psychiatrists but also other core mental health professionals (clinical psychologists, psychiatric social workers and psychiatric nurses) in a geographic area.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard C. Lee, Chief, Shortage Analysis Staff, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, Room 8-57, Parklawn Building, Rockville, MD, 20857, **301 443-6932**

RIN: 0905–AC68

738. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These proposed rules would govern grants made to schools of medicine, schools of osteopathy, teaching hospitals and graduate medical education programs for the purpose of providing support, including traineeships and fellowships, for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with PL 100-177, the Public Health Amendments of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Public Health Service, Room 4c-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC71

739. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend existing regulations governing the Health Education Assistance Loan (HEAL) Program, as authorized by sections 727-739 of the Public Health Service Act, to include revised procedures for handling HEAL bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC75

740. ● NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Nursing Student Loan (NSL) Program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, including nurses, and the Office of the Inspector General as a result of several major cash management audits.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC76

741. ● CENTERS FOR EXCELLENCE

Legal Authority: 42 USC 295g-8a

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: This NPRM proposes to establish regulations for Grants for Centers for Excellence, authorized by section 788A of the Public Health Service Act, to make grants to health professions schools to assist such schools in supporting programs of excellence in health professions education for minority individuals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr.,Ph.D., Director, Division of Disadvantaged, Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-2100**

RIN: 0905–AC77

742. ● HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Health Professions Student Loan program to improve the cash management practices of schools participating in the program. The

revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, and the Office of Inspector General as a result of several major cash management audits.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC78

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

743. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND/OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics.

Timetable:

Action	Date	FR Cite
NPRM	05/03/88	53 FR 15710
NPRM Comment Period End	07/05/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AB50

744. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) and add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365).

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16158
NPRM Comment Period End	07/05/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AC30

745. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These regulations propose to implement provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) which require public comment before being published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21486
NPRM Comment Period End	07/20/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Public Health Service, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905–AC31

746. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These regulations propose to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before they can be published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20989
NPRM Comment Period End	07/20/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48,Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905–AC32

HHS—PHS—HRSA

Final Rule Stage

747. GRANTS FOR HEALTH PROFESSIONS PROJECTS IN GERIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57

Legal Deadline: None

Abstract: These proposed regulations would implement provisions for 788 (d) of the Public Health Service Act relating to geriatric education of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	05/06/88	53 FR 16293
NPRM Comment Period End	07/05/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas L. Louden, D.D.S., Director, Div. of Associated and Dental Health Professions, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6853

RIN: 0905–AC33

748. HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA FOR CORRECTIONAL FACILITIES

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the criteria for Designation of Health Manpower Shortage Areas required by Section 332 of the P.H.S Act. This amendment would revise the definition for the term "internees" used in the criteria for designating those Federal and State correctional institutions which have a shortage of primary medical care, dental care, or psychiatric manpower.

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41594
NPRM Comment Period End	12/28/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard C. Lee, Chief, Shortage Analysis Staff, BHCDA, Department of Health and Human Services, Public Health Service, Room 8-57, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-6932

RIN: 0905–AC50

749. IMPLEMENTATION OF HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986 (TITLE IV, PUBLIC LAW 99-660)

Significance: Regulatory Program

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This rule proposes to implement the Health Care Quality Improvement Act of 1986, Title IV of PL 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information .

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Jarrett Clinton, M.D., Director, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-5796

RIN: 0905–AC51

750. NATIONAL HEALTH SERVICE CORPS, STATE LOAN REPAYMENT AND SPECIAL REPAYMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-177

CFR Citation: 42 CFR 62.21 to 62.27; 42 CFR 62.51 to 62.56; 42 CFR 62.71 to 62.76

Legal Deadline: Final, Statutory, May 28, 1988.

Abstract: The National Health Service Corps Amendments of 1987, PL 100-177 amends the Public Health Service Act adding a new section at 338B of the Act authorizing the Secretary to establish the NHSC Loan Repayment Program. PL 100-177 also amends the PHS Act by adding a new section 338H authorizing the Secretary to establish a program of matching grants to support state loan repayment programs similar to the Federal Loan Repayment Program. PL 100- 177 also establishes a new program which is not part of the PHS Act which provides a time limited opportunity for persons in default of their scholarship obligation as of November 1, 1987 to repay these obligations through service or through a combination of service and monetary payment. The publication of the regulations beyond the statutory date will not have any impact on the funding or implementation of the programs affected by these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Purvis, Director, Office Of Program and Policy, Development, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC65

751. HEALTH EDUCATION ASSISTANCE LOAN (HEAL): LITIGATION

Legal Authority: 42 USC 216; 42 USC 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend the HEAL regulations, 42 CFR Part 60, to clarify the litigation requirement for all lenders and holders and to clarify the applicability of various sections of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/25/88	53 FR 27950
NPRM Comment Period End	08/24/88	
Final Action	02/28/89	

HHS—PHS—HRSA **Final Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Development Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane , Rockville, MD 20857, **301 443-4540**

RIN: 0905–AC69

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions
Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

752. GRANTS FOR NURSE ANESTHETIST TRAINEESHIPS

CFR Citation: 42 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	03/21/88	53 FR 9114
Final Action Effective	03/21/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Thomas P. Phillips **301 443-6333**

RIN: 0905–AB33

753. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

CFR Citation: 42 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	02/29/88	53 FR 6090
Final Action Effective	02/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn **301 443-4540**

RIN: 0905–AC06

754. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	02/29/88	53 FR 6094
Final Action Effective	02/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn **301 443-4540**

RIN: 0905–AC07

755. NURSING SPECIAL PROJECT GRANTS

CFR Citation: 42 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	04/26/88	53 FR 14792
Final Action Effective	04/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A. **301 443-5786**

RIN: 0905–AC18

756. AREA HEALTH EDUCATION CENTERS (AHEC)

CFR Citation: 42 CFR 57

Completed:

Reason	Date	FR Cite
Withdrawn AC 22-AHEC final will be merged with AC67-AHEC (NPRM)	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D. **301 443-6190**

RIN: 0905–AC22

757. GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES, EDUCATIONAL IMPROVEMENTS, SCHOLARSHIPS, AND STUDENT LOANS

CFR Citation: 42 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	04/26/88	53 FR 14789
Final Action Effective	04/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Rosemary Havill **301 443-1530**

RIN: 0905–AC66

758. ● REMOVAL OF OBSOLETE REGULATIONS ON HEMOPHILIA TREATMENT CENTERS AND GENETIC DISEASE TESTING AND COUNSELING PROGRAMS

Legal Authority: PL 97-35; 42 USC 702(a)

CFR Citation: 42 CFR 51d; 42 CFR 51f

Legal Deadline: None

Abstract: This rule removes obsolete regulations governing grants for hemophilia treatment centers and grants for genetic disease testing and counseling programs. These regulations have been replaced by unified regulations governing the maternal and child health project grant program including the hemophilia and genetic programs. This action will eliminate duplicative regulations applicable to the maternal and child health project grant program.

Timetable:

Action	Date	FR Cite
Final Action	07/25/88	53 FR 27859
Final Action Effective	07/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Roger McClung, Chief, Legislation, Regulations and Planning, Branch, BMCHRD, Department of Health and Human Services, Public Health Service, Room 9A33, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4273**

RIN: 0905–AC82

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Prerule Stage

759. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/88	53 FR 36344
NPRM	09/19/88	53 FR 36347
ANPRM Comment Period End	11/18/88	
NPRM Comment Period End	11/18/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-5356

RIN: 0905–AB91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Proposed Rule Stage

760. CHANGES IN NIH PROGRAM REGULATIONS DUE TO P.L. 99-158,P.L. 99-499 AND TITLE X OF P.L. 99-660

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), and the provisions of Title X of P.L. 99-660 concerning Alzheimer's Disease and Related Dementias Research.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905–AC02

761. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285e-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905–AC27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

762. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905–AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

763. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b)

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AA33

764. MEDICAID ELIGIBILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This regulation would conform the current regulations to changes with respect to Medicaid eligibility groups and coverage criteria made primarily by Pub.L. 97-248. Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the optional categorically needy and the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations and make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AA58

765. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b(a)(3); 42 USC 1396b(r)

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None

Abstract: This rule will change the definition of "mechanized claims processing and information retrieval systems" to clarify under what

circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System.

Timetable:

Action	Date	FR Cite
NPRM	08/11/88	53 FR 30317
NPRM Comment Period End	10/11/88	53 FR 30317
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Guy Harriman, Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, 233 EHR, 6305 Security Boulevard, Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AA63

766. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AB07

767. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4064

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, 99-509 and 100-203 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB50

768. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x; 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a); 42 USC 1395hh

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations would implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB61

769. REVISION OF THE CLINICAL LABORATORY REGULATIONS FOR THE MEDICARE, MEDICAID, AND CLINICAL LABORATORIES IMPROVEMENT ACT OF 1967 PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263a

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27; 42 CFR 74

Legal Deadline: None

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. One consequence is that the quality of laboratories' services is adjudged using different standards. Inconsistent standards not only create confusion regarding necessary performance levels, but may permit laboratories with substandard performance to continue furnishing covered services. This proposed rule would establish better measures of performance and amend requirements to improve the quality of laboratory services.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29590
NPRM Comment Period End	11/03/88	53 FR 29590
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: Taken from the Regulatory Program of the United States Government 1987 - 1988 which projected final action in October 1987.

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, 301 966-6763

RIN: 0938–AB96

770. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww(h); PL 99-272, Sec 9202; PL 99-509, Sec 9314

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86; 42 CFR 413.170

Legal Deadline: None

Abstract: This rule will set forth changes in Medicare Policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs. These changes are necessary in order to implement section 1886(h) of the Social Security Act which was added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. The changes in this rule are effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36589
NPRM Comment Period End	11/21/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Linda Magno, Director, Div. of Hospital Payment Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4529

RIN: 0938–AC27

771. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

Legal Authority: 42 USC 1395f(i)

CFR Citation: 42 CFR 418.306(c)

Legal Deadline: None

Abstract: This notice would replace the current wage index used to determine payment for hospice care furnished to Medicare beneficiaries with the HCFA survey-based hospital wage index.

Timetable:

Action	Date	FR Cite
Proposed Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Lovecchio, Director, Div. of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4575

RIN: 0938–AC49

772. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(C); 42 USC 1396o(a)(2)(E); 42 USC 1396o(b)(2)(E); 42 USC 1302; 42 USC 1396n(g); PL 99-509; PL 99-514; PL 99-272

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None

Abstract: These regulations would implement 3 provisions of Pub. L. 99-272: (1) under section 9505, Medicaid coverage of hospice care at State option, the regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) under section 9508, Medicaid coverage of case management services, at State option case management services may be furnished to specific Medicaid groups or geographic areas within a State; (3) under section 9123 there is an indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405

EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC52

773. MEDICARE BENEFICIARY APPEALS

Legal Authority: 42 USC 1302; 42 USC 1395ff; 42 USC 1395hh; 42 USC 1395 et seq; 42 USC 1395ii; 42 USC 1395pp; 42 USC 1395u; 42 USC 405(a); 42 USC 405(d); 42 USC 1320(c); 42 USC 1395i; 42 USC 1395cc; PL 100-203, Sec 4307

CFR Citation: 42 CFR 405.701; 42 CFR 405.708; 42 CFR 405.716; 42 CFR 405.717; 42 CFR 405.718a through d; 42 CFR 405.719; 42 CFR 405.720; 42 CFR 405.722; 42 CFR 405.724; 42 CFR 405.730; 42 CFR 405.801; 42 CFR 426; 42 CFR 405.702

Legal Deadline: None

Abstract: These regulations would establish a new Part 426, setting forth the procedures under which HCFA Administrative Law Judges (ALJs) would conduct hearings of certain Medicare appeals, which are now heard by ALJs of the Social Security Administration. These hearings involve appeals under section 1869 and 1879 of the Social Security Act concerning the amount of benefits payable under Part A and Part B. Prior to enactment of the Omnibus Reconciliation Act of 1986, ALJ hearings were not available for appeals of Part B payments, except for certain matters arising under section 1876 of the Act (payment to health maintenance organizations and competitive medical plans). Part 426 also would establish procedures for a Medicare Review Board, judicial review, reopening of ALJ and Board decisions, representation of parties and payment of certain travel expenses.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Shaffer, Special Assistant, AAO, Department of Health and Human Services, Health Care Financing Administration, Room 784 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-5765**

RIN: 0938–AC81

774. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); PL 99-272, Sec 9403; PL 99-509, Sec 9353(c); PL 100-203, Sec 4096(a)(1)(A)

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100; 42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: None

Abstract: The purpose of this proposed rule is to implement section 9403 of PL 99-272 and 9353(c) of PL 99-509 and PL 100-203, section 4096(a)(1)(A). Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services would be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9353(c) of PL 99-509, PROs would conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Under PL 100-203 beneficiaries are protected from liability for the cost of physician services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Director, Division of Review Program, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6880**

RIN: 0938–AC84

775. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.40; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would revise Medicare and Medicaid rules to provide for a 60-day conditional certification period for facilities seeking participation in the Medicare and Medicaid program to apply uniform effective rules to all Medicare or Medicaid providers, including Medicare Suppliers, and Medicaid only hospitals and home health agencies; and to specify that effective date decisions are precluded from Medicare reconsiderations and hearings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Alfreda Stanton, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6770**

RIN: 0938–AC88

776. RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

Legal Authority: 42 USC 1395bb

CFR Citation: 42 CFR 405.1310; 42 CFR 482.27

Legal Deadline: None

Abstract: This notice proposes that the Health Care Financing Administration recognize the accreditation program of the College of American Pathologists for clinical laboratories participating in the Medicare program. As a result of HCFA's recognition, these laboratories would not ordinarily be subject to an inspection by State survey agencies to

determine their compliance with Federal requirements. They would be "deemed" to meet the Medicare Conditions of Participation for Hospital-Based Laboratories or conditions for coverage of services of independent laboratories.

Timetable:

Action	Date	FR Cite
Final Notice	00/00/00	
Proposed Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Boulevard, Baltimore, MD 21207, **301 966-6813**

RIN: 0938–AC89

777. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician. In addition, as required by section 4096(b) of Pub. L.100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, suppler or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (Continued under Additional Information)

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: (Abstract Continued): the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

Agency Contact: Richard Husk, Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AC90

778. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4509**

RIN: 0938–AC97

779. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS, INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS, AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302; 42 USC 13951

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 405.376; 42 CFR 413.5(c)(3)

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is not held separately (that is, commingled with other funds); and (3) extension of the list of exceptions to the interest expense reduction provision to include investment income from deferred compensation plans and self-insurance funds; and (4) permitting interest on overpayments and underpayments to be assessed at the higher of the private consumer rate or the current value of funds rate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East

Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC99

780. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD01

781. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d)

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD02

782. CRITERIA AND PROCEDURES FOR MEDICAL SERVICES COVERAGE DECISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh; 42 USC 1395xx

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.380; 42 CFR 405.381; 42 CFR 405.382; 42 CFR 405.383

Legal Deadline: None

Abstract: The proposed rule would establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this proposed rule is to assure that Federal funds are expended only for medical services that are covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-5316**

RIN: 0938–AD07

783. RECOGNITION OF JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under this final notice, hospital-based home health agencies accredited by the Joint Commission on Accreditation for Healthcare Organizations' and home health agencies accredited by the National League for Nursing are considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies will not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also can choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/31/87	52 FR 49510
Public Comment Period End	02/29/88	
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 431 EHR, 6325

Security Blvd., Baltimore, MD 21207, **301 966-5667**

RIN: 0938–AD13

784. ELIGIBILITY OF ALIENS FOR MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201; PL 99-509

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3; 42 CFR 436.128; ...

Legal Deadline: None

Abstract: This proposed rule would revise Medicaid regulations applicable for aliens who meet eligibility requirements as categorically needy or medically needy. It would establish in the regulations that aliens lawfully admitted for permanent residence or permanently residing in the United States under color of law may be eligible for all Medicaid services. It also would identify those aliens who may be eligible only for limited services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD15

785. MEDICAID: ELIGIBILITY GROUPS EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: OBRA '87, COBRA, AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)(b); 42 USC 1396a(e)(3)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate numerous eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; certain disabled children being cared for at home; and qualified children. The rule would also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments would conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD16

786. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(n); 42 USC 1396b(f); 42 USC 1396b(u); 42 USC 1396d(p); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(8); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act (P.L. 100-360), the Omnibus Budget Reconciliation Acts of 1987 and 1986,(P.L. 100-203 and P.L. 99-509), and the Homeless Eligibility Clarification Act of 1986 (P.L. 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to a specified percentage of the Federal poverty line; provide for Medicaid coverage of Medicare cost-sharing expenses for qualified Medicare beneficiaries with incomes at or below the Federal poverty line; clarify eligibility of homeless individuals; add provisions for a presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicare, and clarify coverage of and services to pregnant women and children.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4452**

RIN: 0938–AD17

787. TRANSFER OF ASSETS

Legal Authority: PL 100-360, Sec 303(b)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would implement the provisions of section 303(b) of Pub.L.100-360, which require that State Medicaid agencies, in determining an institutionalized individual's eligibility for Medicaid, to include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value within the 30 months preceding a Medicaid application.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938–AD18

788. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)(ll); 42 USC 1395l(l); 42 USC 1395x(bb); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: NPRM, Statutory, January 1, 1989. Final, Statutory, January 1, 1989.

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount would be equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist; or 80 percent of the actual charge. CRNAs would be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4497

RIN: 0938–AD25

789. WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry and radiographic absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/08/88	53 FR 34898
Public Comment Period End	11/07/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5316

RIN: 0938–AD28

790. MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1396b(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44; 42 CFR 434.2

Legal Deadline: None

Abstract: The final rule will describe the conditions under which a Health Insuring Organization (HIO) is subject to Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO requirements are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The exemptions last only until the expiration of a section 1915(b) waiver.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32406
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5661

RIN: 0938–AD31

791. OCCUPATIONAL THERAPY, PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395cc; 42 USC 1395k; 42 USC 1395l; 42 USC 1395n; 42 USC 1395x(r); 42 USC 1395x(s); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395x; 42 USC 1395aa

CFR Citation: 42 CFR 405.1634; 42 CFR 410.150; 42 CFR 486.1; 42 CFR 486.2; 42 CFR 486.3; 42 CFR 486.13; 42 CFR 486.14; 42 CFR 486.21; 42 CFR 486.22; 42 CFR 486.23; 42 CFR 486.24; 42 CFR 486.15; 42 CFR 486.16; 42 CFR 486.17; 42 CFR 486.19; ...

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical

therapy, and for physician assistant services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4605**

RIN: 0938–AD32

792. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations would sections 9343(c)(1), (c)(2), and (c)(3) of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services and, Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4607**

RIN: 0938–AD33

793. PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332; 42 USC 1395u; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.339

Legal Deadline: None

Abstract: This regulation would implement Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which nonparticipating physicians who provide on an unassigned basis services which are determined to be medically unnecessary are required to refund to the beneficiary any amounts collected for such services. Exceptions to the refund requirement would be granted only if the physician did not know and could not reasonably have been expected to know that the service was not covered, or if the beneficiary, after being informed that Medicare will not pay for the service, agrees to pay.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elmer Smith, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5648**

RIN: 0938–AD34

794. STATE SHARE OF FINANCIAL PARTICIPATION

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This rule revises the current regulations concerning State's use of donations and certain taxes in determining the State share of financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Tzvi Heftner, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4580**

RIN: 0938–AD36

795. PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule would revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent PPS.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Husk, Director, Office of Medical Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AD42

796. REVISION OF THE MEDICARE ECONOMIC INDEX

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This proposed rule would establish in regulations the revised proxy measures which we believe have a sounder economic foundation than the current ones and meet the requirements of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ross H. Arnett, III, Chief, Economics and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, 1705 Equitable Building Room 100, 6325 Security Blvd, Baltimore, MD 21207, **301 966-7934**

RIN: 0938–AD43

797. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F)

CFR Citation: 42 CFR 416.130

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: We will state the methodology used to determine the payment amounts for ambulatory surgical services and update payment rates, effective July 1, 1988.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/18/88	53 FR 31468
Public Comment Period End	10/17/88	
Final Notice	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4487**

RIN: 0938–AD44

798. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD48

799. APPLICATION OF THE COMPARABLE SERVICES LIMITATION IN DETERMINING REASONABLE CHARGES

Legal Authority: 42 USC 1395u(b)(3)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.508

Legal Deadline: None

Abstract: This proposed rule would clarify the circumstances under which Medicare carriers are to apply the comparable services limitation in making their determination of a reasonable charge for Medicare Part B services. Under section 1842(b)(3)(B) of the Act, carriers are prohibited from making a determination of a reasonable charge that would be higher than the charge upon which it would base payment to its own policyholders for a comparable service under comparable circumstances. Currently, there is a great deal of confusion among the carriers as to what constitutes comparable services and comparable circumstances, the result of which is that very few carriers are applying the comparable services limitation in their reasonable charge determination. We would revise the regulations to more clearly state how the comparable services limitation should be implemented by the carriers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD50

800. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 441

Legal Deadline: NPRM, Statutory, October 1, 1989. Final, Statutory, July 1, 1989.
Regulation must be promulgated containing methodology.

Abstract: This regulation would implement section 1915(d) of the Act. These rules would allow a State to provide skilled nursing facility (SNF), intermediate care facility (ICF), and home and community-based services to individuals 65 years of age and older, in exchange for a "cap" on the amount of money for which Medicaid Federal financial participation would be available. The program would be administered by means of waivers which a State could request. As currently constructed, the statute allows for waivers of statewideness, comparability, and income deeming. Home and community-based services could be made available to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in an SNF or ICF, the cost for which could be paid by Medicaid. For States electing this option, the waiver would replace the home and community-based services waivers available under section 1915(c) of the Act, for individuals in this age category.

HHS—HCFA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of, Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR ., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938–AD55

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801. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302

CFR Citation: 42 CFR 401.101; 42 CFR 401.102; 42 CFR 401.103; 42 CFR 401.104; 42 CFR 401.110; 42 CFR 401.111; 42 CFR 401.112; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154; 42 CFR 401.120 to 401.125

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be brought up-to-date in light of HCFA's experience with the FOIA and would conform HCFA's FOIA rules to the new HHS FOIA regulations, the guidelines from OMB and the Department of Justice, a Presidential Order, and the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rosario Cirrincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, 301 966-5352

RIN: 0938–AD60

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802. FEE SCHEDULES FOR RADIOLOGIST SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(a)(1)(J); 42 USC 1395m(b); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4049

CFR Citation: 42 CFR 405.501; 42 CFR 405.530; 42 CFR 405.531; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555

Legal Deadline: NPRM, Statutory, August 1, 1988.
Effective for services performed on or after 01/01/89.

Abstract: As a result of provisions included in section 4049 of PL 100-203, we are proposing a fee schedule for radiology services furnished by a board-certified or board eligible radiologist or by a physician whose charges for radiology services account for 50 percent or more of his or her total Medicare charges. These physicians would be paid at 80 percent of the lower of the actual charge or the appropriate fee schedule amount. The fee schedule amount for a nonparticipating physician would be 95 percent of the amount applicable to a participating physician. In addition, a nonparticipating physician's charges to beneficiaries would be capped. The proposed fee schedule would result in overall amount of payment to physicians for radiology services of 3 percent less than would have occurred without a fee schedule. The fee schedule would be updated annually in accordance with the annual increase in the Medicare Economic Index.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/01/88	
Fee schedule in place for services performed on or after	01/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938–AD62

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803. ESTABLISHMENT OF MEDICARE ECONOMIC INDEX FOR 1989

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(4); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice updates the Medicare economic index which is used to calculate the prevailing charge levels that help to determine reasonable charges for physician services under Medicare. For physician services furnished, on or after January 1, 1989 and before January 1, 1990, the increase for primary care services will be 3.0 percent, and for other services it will be 1.0 percent.

Timetable:

Action	Date	FR Cite
Notice	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Riesel, Technical Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4494

RIN: 0938–AD64

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804. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m; 42 USC 1395zz

CFR Citation: 42 CFR 405.502; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.230

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of PL 100-203. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices as required by section 4062 of PL 100-203. The new payment rates are to be effective for items provided on or after January 1, 1989.

HHS—HCFA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final with comment period	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director of Medical Services Reimbursement, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD65

805. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES

Legal Authority: PL 100-203, Sec 4201(a)(3); PL 100-203, Sec 4211(a)(3); 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 442

Legal Deadline: NPRM, Statutory, July 1, 1988. Final, Statutory, July 1, 1989.

Abstract: This proposed rule would define those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 429 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD66

806. CRITERIA FOR STANDARD AND EXTENDED HOME HEALTH AGENCY SURVEYS

Legal Authority: 42 USC 1395bbb(c)(d); 42 USC 1395hh; PL 100-203, Sec 4022

CFR Citation: 42 CFR 488

Legal Deadline: NPRM, Statutory, January 1, 1989. Final, Statutory, July 1, 1989.

Abstract: This regulation would implement the requirements of PL 100-203, section 4022 which specify criteria for standard and extended home health agency surveys. The regulation would define each survey and the criteria for its use. It would additionally implement a new survey instrument and a home visit process. Finally, the regulation would require a Statewide 12 month average survey cycle.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter Merten, Director, Division of Survey Procedures and Training, Department of Health and Human Services, Health Care Financing Administration, Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-6767**

RIN: 0938–AD67

807. ● OUTPATIENT SURGERY AND PRE-ADMISSION DIAGNOSTIC TESTING FOR INPATIENT SURGERY UNDER MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(30)(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD70

808. ● CHANGES TO THE REASONABLE COST REGULATION CONCERNING INVESTMENT INCOME

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.153; 42 CFR 413.17; 42 CFR 413.130

Legal Deadline: None

Abstract: This rule proposes to revise 42 CFR 413.153(b)(2), which requires that "necessary interest" be offset by investment income. Rather than to offset interest expense by investment income, we propose to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD72

809. ● MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: These rules would establish limitations on Medicare payment for services furnished to disabled "active individuals" who are also covered under a large group health plan (LGHP), and prohibit discrimination by an LGHP against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4474**

RIN: 0938–AD73

810. ● INHERENT REASONABLENESS FOR HOME DIALYSIS SUPPLIES AND EQUIPMENT

Legal Authority: 42 USC 1395u(b)(8)

CFR Citation: None

Legal Deadline: None

Abstract: This notice would establish a special reasonable charge payment limit for home dialysis equipment and supplies to prevent excessive payment for these items.

Timetable:

Action	Date	FR Cite
Proposed Notice	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bob Niemann, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Dialysis & Transplant Payment Policy, 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4569**

RIN: 0938–AD74

811. ● CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE

Legal Authority: 42 USC 1395x; 42 USC 1395hh; 42 USC 1395k; 42 USC 1395l

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Hannon, Chief, Physician and Other Medical, Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AD77

812. ● MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME AIDE SUPERVISION AND DISCHARGE PLANNING

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: This proposed rule would establish home health aid supervision and duty requirements applicable to all HHA's that provide services under Medicare. In addition, these regulations would codify longstanding policies that concern the limitations and exclusions applicable to home health services under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Room 405 EHR, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD78

813. ● PREPAID HEALTH CARE PLANS: BENEFICIARY AND OTHER RELATED PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would make a number of changes to the regulations governing health maintenance organizations, competitive medical plans, and health care prepayment plans that furnish Medicare covered services to Medicare beneficiaries. These proposed changes relate to the provision of services, beneficiary and plan rights and liabilities, and contracts. Most of the changes would clarify or establish policy in areas in which operational experiences have demonstrated a need for revision. Several of the changes would implement provisions of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Mahanes, Program Analyst, Div of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4642**

RIN: 0938–AD79

814. ● PROHIBITIONS ON FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This proposed rule would revise and clarify the meaning of the prohibition against Federal financial participation for vocational training and educational activities in intermediate care facilities for the mentally retarded and in psychiatric facilities, or in programs providing psychiatric services to individuals under age 21.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel W. Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 428 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4620**

RIN: 0938–AD80

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815. ● OBRA '87 LONG TERM CARE FACILITIES CONDITIONS OF PARTICIPATION

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4201; 42 USC 1396r; PL 100-203, Sec 4211

CFR Citation: 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), PL 100-203, which long term care facilities would be required to meet to participate in the Medicare and Medicaid programs effective October 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4620**

RIN: 0938–AD81

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816. ● MEDIGAP POLICY STANDARDS - DIRECT TRANSMITTAL OF CLAIMS FROM MEDICARE CARRIERS TO MEDIGAP INSURERS AND RELATED USER FEES

Legal Authority: 42 USC 1302; 42 USC 1395ss; 42 USC 1395hh

CFR Citation: 42 CFR 403.206; 42 CFR 403.218; 42 CFR 403.222; 42 CFR 403.232

Legal Deadline: None

Abstract: These proposed regulations would add requirements for the direct transmittal of bills submitted for services to Part B beneficiaries by participating physicians and suppliers from Medicare carriers to Medigap insurers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD82

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817. ● COVERAGE OF PSYCHOLOGISTS' SERVICES FURNISHED AT RURAL HEALTH CLINICS

Legal Authority: 42 USC 1395k(a); 42 USC 1395x(s); 42 USC 1395x(aa); 42 USC 1395x(gg); 42 USC 1395hh; 42 USC 1395l

CFR Citation: 42 CFR 405

Legal Deadline: None

Abstract: This proposed notice would provide a fee schedule for services furnished by a clinical psychologist at a rural health clinic even if not furnished under the supervision of a physician. Medicare payment would be made on an assignment related basis only.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Stanley Katz, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD84

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818. ● COVERAGE OF SCREENING MAMMOGRAPHY

Legal Authority: 42 USC 1395x; 42 USC 1395m; 42 USC 1395z; 42 USC 1395aa(a); 42 USC 1395(a)(2)(E); 42 USC 1395hh; 42 USC 1395f; 42 USC 1395bb; 42 USC 1395y; 42 USC 1396a; 42 USC 1302; 42 USC 1396n

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement section 204 of Pub.L. 100-360 by providing coverage and payment standards for screening mammography, information on the frequency of coverage, and certification of quality standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stanley Katz, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD88

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819. ● COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Legal Authority: 42 USC 1395k(a)(2)(A); 42 USC 1395x; 42 USC 1395l; 42 USC 1395n(a)(2); 42 USC 1320c to 3(a); 42 USC 1395hh; 42 USC 1395z; 42 USC 1395aa; 42 USC 1395w; 42 USC 1395h; 42 USC 1395m; 42 USC 1395bb; 42 USC 1395y; 42 USC 1395a

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement section 203 of Pub.L. 100-360. In particular it would define those services which could be covered as home intravenous drug therapy services, would provide payment guidelines and would require that all home intravenous therapy services be reviewed and approved by a Peer Review Organization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4620**

RIN: 0938–AD89

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820. ● IN-HOME CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1395x; 42 USC 1395l(a); 42 USC 1395n(a)(2); 42 USC 1395y(a); 42 USC 1302

CFR Citation: 42 CFR 408; 42 CFR 480

Legal Deadline: None

Abstract: This regulation would implement sections 205(b) through 205(e). It would define under the Medicare program covered services, eligible persons, payment guidelines, certification guidelines and standards for utilization of services for in-home care of chronically dependent individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD90

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821. ● OUTPATIENT DRUG COVERAGE AND REIMBURSEMENT

Legal Authority: 42 USC 1395x; 42 USC 1395l(b); 42 USC 1395m; 42 USC 1395t; 42 USC 1395y(c); 42 USC 1395u(f); 42 USC 1395u(b)(3); 42 USC 1395u(h)(2); 42 USC 1395mm(e)(1); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(5); 42 USC 1395hh; 42 USC 1395x; 42 USC 1320a-7a

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement Sec. 202 of Pub.L. 100-360 which adds outpatient drugs as a covered service under Medicare. This regulation would provide a description of covered outpatient drugs, deductible and payment amounts and give specific guidelines on the time period a prescription would be covered.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stanley Katz, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD91

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822. ● SURVEY AND CERTIFICATION

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4202; 42 USC 1396r; PL 100-203, Sec 4212

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub.L. 100-203, which govern the process used by HCFA to survey long-term care facilities, and certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6763**

RIN: 0938–AD94

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823. ● RECOVERY OF OVERPAYMENTS RESULTING FROM COMPUTATIONAL ERRORS

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350(a)(2); 42 CFR 405.355(a)

Legal Deadline: None

Abstract: Due to a computational errors , some physicians and beneficiaries received substantial sums of incorrect payments. This proposed rule would clarify situations where being without fault relieves a recipient of the obligation to return incorrect payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Guida, Director, Division of Overpayment Prevention, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7521**

RIN: 0938–AD95

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824. ● GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS

Legal Authority: 42 USC 1395j; 42 USC 1395q; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 408.8; 42 CFR 408.63

Legal Deadline: None

Abstract: Under current rules, individuals who do not pay their Part B premiums will have their coverage terminated after a grace period that allows several months lateness. The grace period for individuals eligible for monthly social security cash payments is different from that of other individuals. This proposed rule would allow a uniform 3-month grace period to treat all individuals identically.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

HHS—HCFA **Proposed Rule Stage**

Government Levels Affected: None

Agency Contact: Paul Boerschel, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5941**

RIN: 0938–AD97

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage
Health Care Financing Administration (HCFA)

825. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489

Legal Deadline: None

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499).

Timetable:

Action	Date	FR Cite
NPRM	12/18/87	52 FR 48127
NPRM Comment Period End	02/16/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4243 North, 300 Independence Ave., S.W., Washington, DC 20201, **202 245-0383**

RIN: 0938–AB05

826. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1302; 42 USC 1396a(e)(2); 42 USC 1396b(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None

Abstract: This rule revises current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/12/88	53 FR 744
NPRM Comment Period End	03/14/88	53 FR 744
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AB54

827. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(c)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: These regulations will implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods for Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21696
NPRM Comment Period End	08/08/88	52 FR 21697
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4637**

RIN: 0938–AB57

828. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u(b)(6)(B); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.36; 42 CFR 424.60; 42 CFR 424.66

Legal Deadline: None

Abstract: This regulation would conform existing regulations to the provisions of Pub.L. 98-369 that allows payment for services furnished under Part B of Medicare to be made to a health benefits plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23792
NPRM Comment Period End	07/31/86	51 FR 23792
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care

Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AB59

829. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT AND ENTITLEMENT

Legal Authority: 42 USC 426; 42 USC 426-1; 42 USC 426a; 42 USC 1395c; 42 USC 1395i-2; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 407

Legal Deadline: None

Abstract: This regulation will revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment and entitlement, as required by amendments to the Social Security Act. It will also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 5008
NPRM Comment Period End	04/19/88	53 FR 5008
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Denis Garrison, Chief, Medicare Eligibility and, Technical Issues Branch, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 357 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5643**

RIN: 0938–AB60

830. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B)

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253

Legal Deadline: None

Abstract: This final rule implements changes to the regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitation on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment Period End	12/28/87	52 FR 39927
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AB64

831. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.72

Legal Deadline: None

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4536**

RIN: 0938–AB71

832. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive criteria for evaluating States good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Randolph Graydon, Acting Director, Division of Program Performance, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3294**

RIN: 0938–AB85

833. MEDICARE SECONDARY PAYOR AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None

Abstract: This rule revises regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. It also clarifies rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. It would include the changes pertaining to Medicare conditional payments for ESRD beneficiaries made by section 4036(a) of the Omnibus Budget Reconciliation Act of 1987. It would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan, or under no-fault or liability insurance. It would make Medicare secondary to all kinds of no-fault insurance, not just automobile no-fault insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22335
NPRM Comment Period End	08/15/88	
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4474**

RIN: 0938–AC05

834. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11); 42 USC 1302; 42 USC 1395(g); 42 USC 1395l; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b); 42 CFR 405.232(c); 42 CFR 405.310(a); 42 CFR 405.310(e); 42 CFR 405.310(k); 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.32; 42 CFR 410.63

Legal Deadline: None

Abstract: This final rule implements section 2323 of P.L 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The final rule would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34244
NPRM Comment Period End	11/09/87	52 FR 34244
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hannon, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AC07

835. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Legal Deadline: None

Abstract: These regulations make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The regulations also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47414
NPRM Comment Period End	02/12/88	52 FR 47414
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High

Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938–AC31

836. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None

Abstract: This final rule amends and clarifies the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule amends and clarifies the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22028
NPRM Comment Period End	08/12/88	53 FR 22028
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4536

RIN: 0938–AC40

837. ADDITIONS TO AND DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1)

CFR Citation: 42 CFR 416.65

Legal Deadline: None

Abstract: This notice announces additions to and deletions from the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	08/11/87	52 FR 29729
Comment period ends	10/13/87	
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4637

RIN: 0938–AC45

838. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION

Significance: Regulatory Program

Legal Authority: 42 USC 300e-9

CFR Citation: 42 CFR 417.157

Legal Deadline: None

Abstract: This final rule will revise the requirement regarding employer contributions to a Health Maintenance Organization employee benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	01/13/87	52 FR 01343
NPRM Comment Period End	03/16/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: *The Regulatory Program of the United States Government 1987-1988 projected final publication in July, 1987.

Agency Contact: Larry Sobel, Legal Adviser, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 423H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-0197

RIN: 0938–AC48

839. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.165; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this rule would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938–AC55

840. BILLING AND VERIFICATION ADD-ON RELATING TO HOME HEALTH AGENCIES COST PER VISIT LIMITS

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(L)

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice responds to the public comments we received concerning the billing and verification add-on factors that were included in the two schedules of limits on home health agency costs that were published in the Federal Register on July 7, 1987 (52 FR 25562). The first schedule of limits was applicable to cost reporting periods beginning on or after July 1,

1986 but before July 1, 1987, and the second to cost reporting periods beginning on or after July 1, 1987.

Timetable:

Action	Date	FR Cite
Final notice for comments	07/07/87	52 FR 25562
Comment period ends	09/08/87	52 FR 25562
Final	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC56

841. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1395rr; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a); 42 CFR 405.542(b); 42 CFR 405.542(c)

Legal Deadline: None

Abstract: This rule is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are clarifying and modifying some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37176
NPRM Comment Period End	12/04/87	52 FR 37176
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4569**

RIN: 0938–AC57

842. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1903; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53; 42 CFR 1001.202; 42 CFR 1001.203; 42 CFR 1001.211; 42 CFR 1001.221; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; ...

Legal Deadline: None

Abstract: This final rule will implement sections 9121 and 9122 of PL 99-272 as amended by PL 100-203. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 233 of PL 99-576, which requires Medicare hospitals to admit veterans. They will also implement section 9305(b)(1) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC58

843. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN PATIENTS OTHER THAN MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1395rr; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 413.179

Legal Deadline: None

Abstract: These regulations will exclude from Medicare payments made to organ procurement organizations the costs associated with kidneys sent to foreign countries or transplanted in patients other than Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6672
NPRM Comment Period End	05/02/88	53 FR 6672
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Horney, Program Analyst, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4554**

RIN: 0938–AC59

844. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1302

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21

Legal Deadline: Final, Statutory, October 7, 1986.
Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be

published within 6 months after date of enactment.

Abstract: This rule implements, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sue Knefley, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Third Party Liability Branch, 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3396**

RIN: 0938–AC64

845. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(10)(A)(i)(II); 42 USC 1396a(O); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733

Legal Deadline: None

Abstract: This final rule amends the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of 1619 of the Act. It also specifies how States electing the option under Section 1902 to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also specifies how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/88	53 FR 15857
NPRM Comment Period End	07/05/88	53 FR 15857
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Richard Strauss, Program Analyst, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4464**

RIN: 0938–AC82

846. REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

Legal Authority: 42 USC 1396b(d)

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Legal Deadline: None

Abstract: These regulations specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out-of-business. The regulations, which implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1986, are intended to aid in recovering improperly spent Federal funds expeditiously.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48290
NPRM Comment Period End	02/09/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Greenberg, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Room 300 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-3278**

RIN: 0938–AC83

847. MEDICARE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.65

Legal Deadline: None

Abstract: This rule will implement section 9335(c) of Pub.L. 99-509 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare Part B coverage of drugs or biologicals that can be self-administered. The regulations will be amended to reflect the new statutory requirement. Final regulation will also implement section 4075 of P.L. 100-203, which expanded coverage from "immunosuppressive drugs" to "prescription drugs used in immunosuppressive therapy."

Timetable:

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Hannon, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AD09

848. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None

Abstract: These revisions will (a) require hospitals to provide a discharge planning process; and (b) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions will conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AD11

849. CONDITIONS OF PARTICIPATION FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75

Legal Deadline: None

Abstract: In this final rule we respond to comments on our proposal and incorporate a number of self-implementing changes to the statute made by the Omnibus Budget Reconciliation Act of 1987, which was enacted after the proposed rule was published. These conditions would replace the existing separate conditions for SNFs participating in the Medicare program, and SNFs and ICFs participating in the Medicaid program. Although some essential distinctions imposed by the statute remain, these new conditions reflect common needs in SNFs and ICFs. The purpose of these revisions is to focus on actual facility performance in meeting residents' needs in a safe and healthful environment, rather than on the capacity of a facility to provide appropriate services. The results of this change in focus will be to enforce requirements from the perspective of quality of care and life for long term care patients, not only under Medicare and Medicaid, but generally since most of these requirements pertain to all patients of an SNF or ICF. These revisions are also expected to simplify Federal enforcement by using a single set of conditions for those activities we identify as common to all facilities.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38582
NPRM Comment Period End	01/14/88	52 FR 38582
Final Action	10/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD12

850. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4011(b)

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417.444; 42 CFR 417.597

Legal Deadline: None

Abstract: This rule revises Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and add a provision to terminate a contract for noncompliance pertaining to restrictions on waivers of 50 percent for Medicare enrollment. These revisions implement provisions of the Omnibus Budget Reconciliation Act of 1986, provisions of the Omnibus Budget Reconciliation Acts of 1986 and 1987.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27718
NPRM Comment Period End	09/20/88	53 FR 27718
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Joan Mahanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4642**

RIN: 0938–AD14

851. DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504(b)

Legal Deadline: None

Abstract: This notice requests comments on a possible change to the regulations that govern determinations of the reasonable charges that Medicare pays for physician services. We are considering discontinuing the establishment of separate prevailing charge screens for physicians' services based on specialty practice, with the possible exception of specified medical visits and consultations.

Timetable:

Action	Date	FR Cite
Notice of Request For Comments	04/12/88	53 FR 12037
Comment period ends	06/13/88	53 FR 12037

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD26

852. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 41 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for reimbursement of costs incurred by hospitals for photocopying medical records needed by PROs during offsite reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Husk, Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, **301 966-6850**

RIN: 0938–AD38

853. MEDICARE, MEDICAID, AND CLINICAL LABORATORIES IMPROVEMENT ACT (CLIA) PATIENT CONFIDENTIALITY RULES

Legal Authority: 42 USC 216; 42 USC 1302; 42 USC 1395x; 42 USC 1395hh

CFR Citation: 42 CFR 74; 42 CFR 405; 42 CFR 441

Legal Deadline: None

Abstract: This rule eliminates the requirement that a laboratory maintain the name and other identification of individuals undergoing testing to determine the presence of the Human Immunodeficiency Virus (HIV) antibody or causative agent, if the laboratory is not seeking Medicare or Medicaid payment for these tests.

Timetable:

Action	Date	FR Cite
NPRM	03/31/88	53 FR 10404
NPRM Comment Period End	05/31/88	53 FR 10404
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Branch, Department of Health and Human Services, Health Care Financing Administration, 2D2 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 966-6813**

RIN: 0938–AD40

854. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395bbb

CFR Citation: 42 CFR 484

Legal Deadline: Final, Statutory, October 1, 1988.
Minimum standards for home health aide training and competency evaluation programs must, pursuant to P.L. 100-203, be established by October 1, 1988.

Abstract: These regulations specify requirements for home health agencies for: protecting and promoting patient rights; training and competency of home health aides; notifying State entities responsible for the licensing or certification of HHAs of changes in ownership, managing employees, and managing organizations; including an individual's plan of care as part of the individual's clinical records; and operating and furnishing services in compliance with accepted professional standards and principles that apply to professionals furnishing home health services.

Timetable:

Action	Date	FR Cite
Final With Comment Period	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of, Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD45

855. SCHEDULES OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395hh; 42 USC 1302; 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(L)

CFR Citation: 42 CFR 413.30

Legal Deadline: Final, Statutory, July 1, 1989.
Pub.L. 100-360 requires the development of a wage index based on wage data from HHAs by July 1, 1989.

Abstract: This final notice with comment period set forth an updated schedule of limits on home health agency costs that may be reimbursed

under the Medicare program. This updated schedule of limits will be applicable to cost reporting periods beginning on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
Final Notice With Comment	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD47

856. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 412; 42 CFR 413

Legal Deadline: Final, Statutory, October 1, 1988.
In accordance with 42 USC 1395ww an NPRM must be published by 06/01/88. Final rule must be published by 09/01/88.

Abstract: This final rule makes revisions to the inpatient hospital prospective payment system. It also includes changes in the methods, amounts and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1989. In addition, this final rule implements relevant provisions of both PL 100-203 that are applicable to discharges occurring during FY 1988 and 1989 and Pub. L. 100-360 that are applicable to discharges occurring during FY 1989. This rule also finalizes miscellaneous changes proposed on March 22, 1988 (53 FR 9337).

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19498
NPRM Comment Period End	07/26/88	53 FR 1948
Final Action with comments	09/30/88	53 FR 38476
Final Action generally effective	10/01/88	
Final Action Public Comment Period End	11/29/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Linda Magno, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4529**

RIN: 0938–AD49

857. PROTOCOL FOR THE REUSE OF DIALYSIS BLOODLINES

Legal Authority: 42 USC 1395rr(a)(7), as amended by PL 100-203; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.2150(d)

Legal Deadline: None
While the Secretary is not required to publish a regulation, ESRD facilities will not otherwise be permitted to re-use bloodlines after June 30, 1988.

Abstract: This rule would establish standards for safe and effective reuse of bloodlines. The statute forbids ESRD facilities to reuse bloodlines beginning July 1, 1988, unless the Secretary has established and the facilities follow, protocols for their reuse. The protocols would be incorporated into conditions of coverage.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28236
NPRM Comment Period End	09/26/88	53 FR 28236
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Room 469 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4635**

RIN: 0938–AD52

858. UNIFORM RELATIVE VALUE GUIDE FOR ANESTHESIA SERVICES FURNISHED BY PHYSICIANS

Legal Authority: PL 100-203, Sec 4048(b); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.553

Legal Deadline: Final, Statutory, January 1, 1989.
Under section 4048(b) of PL 100-203 the relative value guide is to be used for physician anesthesia services furnished on or after 01/01/89.

Abstract: This final rule with comment period establishes a relative value guide for use in all carrier localities in making payment for anesthesia services furnished by physicians under Medicare Part B. This rule implements section 4048(b) of PL 100-203. Payments made using the relative value guide are designed to ensure that expenditures do not exceed the amount that otherwise would have been made absent the implementation of the relative value guide.

Timetable:

Action	Date	FR Cite
Final Notice with comment period	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of, Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD63

859. INPATIENT HOSPITAL DEDUCTIBLE, SNF COINSURANCE AMOUNT AND PART A PREMIUM FOR THE UNINSURED AGED FOR 1989

Legal Authority: 42 USC 1395e; 42 USC 1395i-2

CFR Citation: 42 CFR 408.22; 42 CFR 409.80; 42 CFR 409.82; 42 CFR 409.83; 42 CFR 409.85

Legal Deadline: Final, Statutory, September 15, 1988.

Abstract: This notice announces the inpatient hospital deductible and SNF coinsurance amounts and the monthly hospital insurance premium for calendar year 1989 under Medicare's

hospital insurance program. The Medicare statute specifies the formulae to be used to determine these amounts.

Timetable:

Action	Date	FR Cite
Notice (Inpatient Hospital Deductible)	09/30/88	53 FR 38537
Notice (Skilled Nursing)	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-6386**

RIN: 0938–AD68

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860. ● PERIODIC PAYMENTS FOR HOSPITALS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395g(e); 42 USC 1395h(c)(2); PL 99-509, Sec 9311; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.116

Legal Deadline: None

Abstract: In this final rule, we set forth the circumstances under which the periodic interim payment method is available for services furnished by hospitals and other providers. Generally, inpatient hospital services furnished by hospitals excluded from the prospective payment system, as well as skilled nursing facility services, home health services, and hospice care services, may be paid for on a periodic interim payment basis. With certain exceptions, inpatient hospital services furnished by prospective payment hospitals are not eligible for payment on a periodic interim payment basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD71

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861. ● HOSPICE CAP

Legal Authority: 42 USC 1395f(i)

CFR Citation: 42 CFR 418.309

Legal Deadline: None

Abstract: This notice announces an updated payment cap for hospice care under the Medicare program. The revised cap amount applies to payments made to a hospice during the period November 1, 1987 through October 31, 1988.

Timetable:

Action	Date	FR Cite
Notice	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anthony Lovecchio, Director, Div of Alternative Reimbursement System, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4575**

RIN: 0938–AD75

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862. ● PAYMENT FOR OUTPATIENT SURGERY AT EYE SPECIALTY HOSPITALS AND EYE AND EAR SPECIALTY HOSPITALS

Legal Authority: 42 USC 1395l(i)(3)(B)(ii); PL 100-203, Sec 4068(a)

CFR Citation: 42 CFR 413.118

Legal Deadline: None

Abstract: In accordance with section 4068(a) of PL 100.203, we are revising the payment provisions concerning hospital outpatient services furnished in connection with ambulatory surgical procedures for certain qualified eye hospitals and eye and ear hospitals. For cost reporting periods beginning on or after October 1, 1988 and before October 1, 1990, the blended payment amount applicable to these hospitals remains at 75 percent of the hospital-specified amount and 25 percent of the ambulatory surgical center amount.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD76

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863. ● SWING-BED PROGRAM CHANGES

Legal Authority: 42 USC 1302; 42 USC 1320a-1; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 416(j); 42 USC 1395hh

CFR Citation: 42 CFR 413; 42 CFR 424; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations revise the Medicare rules relating to approved swing-bed hospitals. They implement the provisions of Pub. L. 100-203 which expand the swing-bed program to rural hospitals with less than 100 beds. Payment for extended care services furnished by hospitals with 50-99 beds are subject to additional conditions.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD83

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864. ● COVERAGE OF AND PAYMENT FOR CERTIFIED NURSE-MIDWIFE SERVICES

Legal Authority: PL 100-203, Sec 4073; 42 USC 1395k(a)(2)(B); 42 USC

1395l(a)(1) and (m); 42 USC 1395x(s)(2); 42 USC 1395hh; 42 USC 1395ff

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This final rule with comment period provides for the establishment of a fee schedule for the services of certified nurse midwives under the Medicare program. As required by section 4073 of the Omnibus Budget Reconciliation Act of 1987 (PL 100-203) the fee schedule would apply to Medicare services provided by certified nurse midwives on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5661**

RIN: 0938–AD85

865. ● SECOND SURGICAL OPINION REQUIREMENTS FOR MEDICAID RECIPIENTS

Legal Authority: 42 USC 1302; 42 USC 1396a(30)(A)

CFR Citation: 42 CFR 431.400 to 431.430

Legal Deadline: None

Abstract: These regulations require each Medicaid plan to include a program requiring second surgical opinions for certain surgical procedures. This program is aimed at preventing unnecessary surgery and improving patient awareness of all treatment options, where alternatives to surgery are available.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD86

866. ● CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Legal Authority: 42 USC 1395x(r); 42 USC 1395l(ell); 42 USC 1395x(s); 42 USC 1395y; 42 USC 1395x(e); 42 USC 1395r; 42 USC 426; 42 USC 1396d; 42 USC 1396n; 42 USC 1396b; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 400.200; 42 CFR 400.203; 42 CFR 405.522; 42 CFR 405.1101; 42 CFR 405.1202; 42 CFR 405.1702; 42 CFR 405.1731; 42 CFR 405.2102; 42 CFR 408.20; 42 CFR 408.24; 42 CFR 417.104; 42 CFR 417.107; 42 CFR 417.144; 42 CFR 417.174; 42 CFR 417.242; ...

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self-executing provisions of the Omnibus Budget Reconciliation Act of 1987. They are needed to made HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language. Under the Medicare program's rules changes are made affecting: services of podiatrists; outpatient psychiatric services; physician assistant services; and comprehensive outpatient rehabilitative facility services. Under the Medicaid program changes are made affecting: services of dentists; clinic services; and waivers of certain State plan requirements. In addition, we make other conforming and transitional amendments.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 4243 Cohen Building, 300 Independence Avenue, SW, Washington, D.C. 20201, **202 245-0343**

RIN: 0938–AD92

867. ● CATASTROPHIC COVERAGE CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395e; 42 USC 1395f; 42 USC 1395i; 42 USC 1395r; 42 USC 1396a; 42 USC 1396d; 42 USC 1395v; 42 USC 1396b

CFR Citation: 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 418; 42 CFR 435

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self executing provisions of the Medicare Catastrophic Coverage Act of 1988 which: expand the scope of benefits under Medicare Part A; change the rules applicable to deductible and coinsurance; effect the determination and promulgation of Medicare Part A premiums; impose additional premiums for Medicare Part B; require Medicaid agencies to pay Medicare premiums deductibles and coinsurance on behalf of qualified Medicare beneficiaries and make other conforming and transitional amendments. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglisias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 4243, Cohen Building, 300 Independence Avenue, SW, Washington, D.C. 20201, **202 245-0383**

RIN: 0938–AD93

868. ● CARRIER BONUSES FOR INCREASING PHYSICIANS' PARTICIPATION OR PAYMENTS

Legal Authority: 42 USC 1395m(b)(3)(iii); 42 USC 1395h; PL 100-360, Sec 411(f)(2)(D); PL 99-509, Sec 9332(a); PL 100-203, Sec 4041(a); PL 100-203, Sec 4085(i)

HHS—HCFA

Final Rule Stage

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice describes the methodology we will use to award incentive payments to carriers that successfully increase the number of participating physicians, i.e., physicians who agree to accept Medicare's reasonable charge for Part B services that they provide to Medicare beneficiaries.It implements provisions of the Omnibus Budget Reconciliation Act of 1986, the Omnibus Budget Reconciliation Act of 1987, and the Medicare Catastrophic Coverage Act of 1988 which require us to publish our system for providing payment of a bonus to carriers based on their performance in increasing the number of participating physicians' services in their service areas.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louis Palmieri, Jr., Budget Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 368, Meadows East Building, 6325 Security Boulevard, Baltimre, Maryland 21207, 301 966-7542

RIN: 0938–AD96

869. ● NATIONAL AVERAGE ACTUARIAL VALUE OF DUPLICATIVE PART A AND PART B MEDICARE BENEFITS

Legal Authority: PL 100-360, Sec 421

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This final notice announces the national average actuarial value (NAAV) of duplicative Part A benefits and duplicative Part B benefits for 1988. Under sec. 421 of the Medicare Catastrophic Coverage Act of 1988 an employer that provides to current or retired employees benefits, the actuarial value of which is at least 50 percent of the NAAV, it must provide those persons with additional benefits, a refund, or some combination. Guidelines also will be included for employers to use in computing the actuarial value of duplicative benefits, as required by sec. 421

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Solomon Mussey, Director, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, Room M-1, EQ-05, 1705 Whitehead Road, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938–AD98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

870. PAYMENTS TO INSTITUTIONS

Significance: Agency Priority

CFR Citation: 42 CFR 435.722; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Completed:

Reason	Date	FR Cite
Final Action	02/08/88	53 FR 3586
Final Action Effective	04/08/88	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Marinos Svolos 301 966-4457

RIN: 0938–AB00

871. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

CFR Citation: 42 CFR 413.13

Completed:

Reason	Date	FR Cite
Final Action	03/29/88	53 FR 10077
Final Action Effective	04/28/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Goeller 301 966-4513

RIN: 0938–AB29

872. REVISIONS IN REPORTING AND RECORDKEEPING REQUIREMENTS

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702; 42 CFR 405.1731(a); 42 CFR 405.1731(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a); 42 CFR 405.1733(b); 42 CFR 434.27(a)

Completed:

Reason	Date	FR Cite
Final Action	04/12/88	53 FR 12010
Final Action Effective	05/12/88	53 FR 12010

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stanley Katz 301 966-4637

RIN: 0938–AB46

873. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

CFR Citation: 42 CFR 400; 42 CFR 440; 42 CFR 441; 42 CFR 456

Completed:

Reason	Date	FR Cite
Withdrawn Will be developed into three separate regulations.	03/11/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas E. Hoyer 301 966-4607

RIN: 0938–AB55

874. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

CFR Citation: 42 CFR 435.135; 42 CFR 435.136

Completed:

Reason	Date	FR Cite
Final Action	05/10/88	53 FR 16550

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Roy Trudel 301 966-4457

RIN: 0938–AB62

875. OMB REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR HOME HEALTH AGENCIES, AND PROVIDERS OF OUTPATIENT, PHYSICAL THERAPY AND/OR (CONT)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1720(b); 42 CFR 405.1721; 42 CFR 405.1224; 42 CFR 405.1228; 42 CFR 405.1225(a); 42 CFR 405.1226

Completed:

Reason	Date	FR Cite
Withdrawn To be included in various other HCFA regulations.	08/03/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stefan Miller 301 966-4638

RIN: 0938–AB68

876. CONDITIONS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Agency Priority

CFR Citation: 42 CFR 435; 42 CFR 442; 42 CFR 431.610(f)(1); 42 CFR 440.150(c)(3); 42 CFR 483

Completed:

Reason	Date	FR Cite
Final Action	06/03/88	53 FR 20448
Final Action Effective	10/03/88	53 FR 20448

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Samuel Kidder 301 966-4620

RIN: 0938–AB76

877. REASONABLE CHARGE LIMITATIONS

Significance: Regulatory Program

CFR Citation: 42 CFR 405.502

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26067
Final Action Effective	09/09/88	53 FR 26067

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik 301 966-4495

RIN: 0938–AC08

878. ASSIGNMENT AND REASSIGNMENT OF PROVIDER-BASED HOME HEALTH AGENCIES AND HOSPICES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

CFR Citation: 42 CFR 421.3; 42 CFR 421.117; 42 CFR 421.128

Completed:

Reason	Date	FR Cite
Final Action	05/19/88	53 FR 17936
Final Action Effective	06/20/88	53 FR 17936

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Irvin Robinson 301 966-7422

RIN: 0938–AC20

879. FIRE SAFETY STANDARDS FOR HOSPITALS, SKILLED NURSING FACILITIES, HOSPICES, INTERMEDIATE CARE FACILITIES AND AMBULATORY SURGICAL CENTERS

Significance: Agency Priority

CFR Citation: 42 CFR 405.1022(b)(1); 42 CFR 405.1134(a); 42 CFR 416.44(b); 42 CFR 442.321(a); 42 CFR 442.321(c); 42 CFR 442.322; 42 CFR 442.323; 42 CFR 418.100(d); 42 CFR 482.41(b)

Completed:

Reason	Date	FR Cite
Final Action	04/07/88	53 FR 11504
Final Action Effective	05/09/88	53 FR 11504

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Samuel Kidder 301 966-4620

RIN: 0938–AC28

880. ALTERNATE SANCTIONS FOR ESRD FACILITIES

CFR Citation: 42 CFR 405

Completed:

Reason	Date	FR Cite
Final Action	09/19/88	53 FR 36274
Final Action Effective	10/19/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Spencer B. Colburn 301 966-6823

RIN: 0938–AC68

881. LONG TERM CARE SURVEY

CFR Citation: 42 CFR 405.1901 to 1913; 42 CFR 442.30; 42 CFR 488.1 to 488.115

Completed:

Reason	Date	FR Cite
Final Action	06/17/88	53 FR 22850
Final Action Effective	07/18/88	53 FR 22850

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Agency Contact: Wayne Smith 301 966-6763

RIN: 0938–AD41

HHS—HCFA

Completed Actions

882. MISCELLANEOUS CHANGES AFFECTING PAYMENT FOR INPATIENT HOSPITAL SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 405.310; 42 CFR 412.2; 42 CFR 412.50; 42 CFR 412.63; 42 CFR 412.92; 42 CFR 412.106; 42 CFR 412.210; 42 CFR 413.30; 42 CFR 413.40; 42 CFR 489.23

Completed:

Reason	Date	FR Cite
Withdrawn Will be incorporated into another regulation.	05/03/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Magno 301 966-4529

RIN: 0938–AD46

883. FEES FOR APPEALS

CFR Citation: 42 CFR 405.701 to 42

Completed:

Reason	Date	FR Cite
Withdrawn Continuing to analyze issues.	06/23/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Conrad 301 966-6477

RIN: 0938–AD54

884. REVISIONS TO MEDICAID ELIGIBILITY QUALITY CONTROL PROGRAM REQUIREMENTS BASED ON FINDINGS OF COBRA STUDIES

CFR Citation: 42 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn Analyzing findings of the NAS and Department studies.	03/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Larry Reed 301 966-5937

RIN: 0938–AD56

885. PROCEDURES FOR TERMINATING PROGRAM PARTICIPATION OF PROVIDERS AND SUPPLIERS

CFR Citation: 42 CFR 405; 42 CFR 416.35; 42 CFR 431.154; 42 CFR 442; 42 CFR 488; 42 CFR 489.53; 42 CFR 498.53; 42 CFR 498.5; 42 CFR 498.20; 42 CFR 498.56

Completed:

Reason	Date	FR Cite
Withdrawn To be incorp. into other regs implementing 'OBRA 89.	05/31/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Alfreda Staton 301 966-6670

RIN: 0938–AD57

886. MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING JANUARY 1, 1989

CFR Citation: 42 CFR 408.20

Completed:

Reason	Date	FR Cite
Notice	09/30/88	53 FR 38348

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AD58

887. MISCELLANEOUS AMENDMENTS TO THE HMO AND CMP REQUIREMENTS

CFR Citation: 42 CFR 417

Completed:

Reason	Date	FR Cite
Withdrawn To be incorporated into another regulation	05/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel 202 245-0197

RIN: 0938–AD61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

888. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 303; 42 USC 602; 42 USC 606; 42 USC 1403; 42 USC 1383 Note; 42 USC 1302

CFR Citation: 45 CFR 205; 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Legal Deadline: None

Abstract: The proposed rule will organize and codify those administrative changes which will better target program resources, reduce administrative cost, or increase State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW 20447, Washington, DC, 202 252-5116

RIN: 0970–AA09

889. STANDARDS FOR CHILD SUPPORT ENFORCEMENT PROGRAM OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 306

Legal Deadline: None

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing an IV-D case.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5369

RIN: 0970–AA16

890. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to add new performance indicators and update the scoring system.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	07/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Elizabeth Matheson, Chief, Policy Branch, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5364

RIN: 0970–AA17

891. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51; 45 CFR 302.32; 45 CFR 303.101

Legal Deadline: None

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing payments made to AFDC families distributing collections in all IV-D cases and distributing payments made to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5364

RIN: 0970–AA18

892. ALIEN VERIFICATION PROCEDURES FOR AFDC; STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603, Sec 121; Immigration Reform and Control Act of 1986

CFR Citation: 45 CFR 233; 42 CFR 435; 45 CFR 205; 45 CFR 433; 42 CFR 436

Legal Deadline: NPRM, Statutory, October 1, 1987.

Abstract: IRCA imposes new procedures on the AFDC, Adult Assistance Programs and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by states will be subject to 100% reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	
NPRM Comment Period End	12/30/88	
Final Action	08/30/89	
Final Action Effective	08/30/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS must establish an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE on October 1, 1987.

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA41

893. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS (ANCSA)

Significance: Regulatory Program

Legal Authority: PL 97-458, Sec 4; PL 98-64, Sec 2; PL 100-241, Sec 15

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Legal Deadline: None

Abstract: Would update current regulations by adding statutory exclusions for certain per capita distributions of Indian judgment funds and other funds held in trust by the Department of Interior, and initial purchases made with such funds. Additionally, would exclude the following types of distributions received from a Native Corporation pursuant to the Alaska Native Claims Settlement Act. (1) Cash to the extent that it does not in the aggregate, exceed $2,000 per

individual per annum; (2) Stocks; (3) A partnership interest; (4) Land or an interest in land; and (5) An interest in a settlement trust. Regulations would reflect the statutes, therefore, no alternatives are being considered. We estimate that the Federal share of the cost of the trust funds exclusions required under PL 97-458 and PL 98-64 would be $696,960 per year, the Federal share of the cost of the Alaska Native Claims Settlement Act exclusions required under PL 100-241 would be $1,878,108 per year. Therefore, the annual result would be a cost of $3,575,068.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA47

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894. COOPERATION IN THIRD PARTY HEALTH COVERAGE

Significance: Regulatory Program

Legal Authority: Sec 402(a)(26) of the Scl Scrty Act as amended by Sec 12304; The Consolidated Omnibus Budget Reconciliation Act of 1985

CFR Citation: 45 CFR 232.13; 45 CFR 232.40; 45 CFR 232.41; 45 CFR 232.42; 45 CFR 232.43; 45 CFR 232.44; 45 CFR 232.45; 45 CFR 232.47; 45 CFR 232.48; 45 CFR 232.49; 45 CFR 234.60; 45 CFR 235.70

Legal Deadline: None

Abstract: The proposed rules specify that as a condition of eligibility for AFDC, each applicant or recipient must cooperate with the State by identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services available under the State's plan for medical assistance under title XIX, unless such individual has good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	02/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA49

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895. COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 654(7); 42 USC 652

CFR Citation: 45 CFR 302.34; 45 CFR 303.107; 45 CFR 304.22; 45 CFR 305.34

Legal Deadline: None

Abstract: The regulation specifies provisions that must be contained in all cooperative agreements between IV-D agencies and courts and law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/05/88	53 FR 39110
NPRM Comment Period End	12/05/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Norma Staley, Program Analyst, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW 20447, Washington, D.C, 202 252-5374

RIN: 0970–AA50

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896. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9133; The Omnibus Budget Reconciliation Act of 1987

CFR Citation: 45 CFR 233.53; 45 CFR 235.111; 45 CFR 233.20(a)(3)(x)

Legal Deadline: None

Abstract: These proposed rules implement sections of OBRA regarding the support and maintenance disregard, the optional fraud control program, and treatment of foster care payments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA56

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897. ● SERVICES TO POST-AFDC AND MEDICAID ONLY FAMILIES

Significance: Agency Priority

Legal Authority: 42 USC 654(4); 42 USC 654(5); 42 USC 657(c)

CFR Citation: 45 CFR 301.1; 45 CFR 302.31; 45 CFR 302.33; 45 CFR 302.70; 45 CFR 302.51; 45 CFR 303.72; 45 CFR 303.102; 45 CFR 304.20; 45 CFR 306.50; 45 CFR 306.51

Legal Deadline: None

Abstract: This regulation would implement sections 9141 of P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987 under which child support agencies are required to continue to provide IV-D services to persons no longer eligible for AFDC without requiring an application or payment of an application fee. It also implements section 9142 of P.L. 100-203 which requires child support agencies to provide IV-D services to all families with an absent parent who receive Medicaid and have assigned their rights to medical support to the State.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5374

RIN: 0970–AA61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage
Family Support Administration (FSA)

898. SCOPE OF PAYMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1102; 42 USC 602

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(V); 45 CFR 233.120

Legal Deadline: None

Abstract: These proposed regulations would clarify that States may not provide simultaneous multiple shelter allowances or special need allowances to recipients under Titles I, IV-A, X, XIV, and XVI of the Social Security Act based on the type of housing in which they reside. Also, these regulations would limit Federal matching under the Emergency Assistance program to one 30-day period in twelve consecutive months and would require States to specify the maximum amount of assistance to be provided for each type of emergency.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47420
NPRM Comment Period End	01/28/88	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA00

899. RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARAGES

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None

Abstract: This regulation requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
NPRM	09/14/87	52 FR 34689
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW20447, Washington, DC, 202 252-5366

RIN: 0970–AA03

900. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 205.40(a)(8)

Legal Deadline: None

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal statutes and regulations when a state plan is not amended to reflect new federal rules.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC, 202 252-5116

RIN: 0970–AA04

901. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of

Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW20447, 202 252-5116, **202 252-5116**

RIN: 0970–AA06

902. CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; Sec. 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a)(13); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Legal Deadline: None

Abstract: Proposed rule will provide increased consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. The aim is to improve and simplify program administration and ease the burden placed upon the State agencies and individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Diann Dawson**, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW 20447, Washington, DC, **202 252-5116**

RIN: 0970–AA08

903. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SOCIAL SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None

Abstract: This regulation will establish requirements governing refugee cash assistance; refugee medical assistance; and refugee support (social) services, including job search employability services, and employment.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 03918
NPRM Comment Period End	04/30/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: **Philip A. Holman**, Director, Div. of Policy & Analysis, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, DC 20447, **202 252-4566**

RIN: 0970–AA10

904. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM -- QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248

CFR Citation: 45 CFR 205.44

Legal Deadline: None

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 21
NPRM Comment Period End	04/03/87	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 86

Agency Contact: **Sean Hurley**, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5075**

RIN: 0970–AA11

905. ESSENTIAL PERSONS

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 233.20

Legal Deadline: None

Abstract: The proposed regulation would preclude States from considering individuals to be essential persons for purposes of the AFDC program if they do not provide an essential benefit or service to the family.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37183
NPRM Comment Period End	11/19/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Additional Information: Split off from Regulation 00 Administrative Improvement in the AFDC Program (RIN 0970-aa09)

Agency Contact: **Diann Dawson**, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA44

906. FEDERAL TAX REFUND OFFSET PROCESS - PRE-OFFSET NOTICE FEE

Significance: Agency Priority

Legal Authority: 42 USC 664; 42 USC 1302; 42 USC 654(13); 42 USC 6505

CFR Citation: 45 CFR 303.72

Legal Deadline: None

Abstract: These regulations would permit OCSE to charge a fee for services provided in the Federal tax refund offset process. They would require State IV-D agencies to send pre-offset notices to absent parents unless the State requests and OCSE agrees to send the notices. In addition IRS fees would be deducted from offset amounts rather than billed and collected by HHS.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12041
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW 20447, Washington, D.C, 202 252-5365

RIN: 0970–AA52

907. ● EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM; INTERIM FINAL RULE WITH REQUEST FOR COMMENTS

Legal Authority: 42 USC 11302; 42 USC 11461 to 11464; 42 USC 11472

CFR Citation: 45 CFR 1080; 45 CFR 96.12; 45 CFR 96.14; 45 CFR 96C; 45 CFR 96E; 45 CFR 96F

Legal Deadline: None

Abstract: The regulations establish procedures that States, territories, Indian tribes, and other organizations must follow to apply for and use funds appropriated for the Emergency Community Services Homeless Grant Program (EHP) established by the Stewart B. McKinney Homeless Assistance Act (Published Law 100-77). The Act requires the funds to be distributed to States and territories that receive funds under the Community Services Block Grant (CSBG) program, using the CSBG allocation formula, and sets aside funds to be awarded directly to certain Indian tribes. The regulations require an annual application from the 57 States and territories, and an annual report from all grantees, including an estimated 75 Indian tribes. Annual paperwork burden estimates are: (a) 80 hours per State application, for a total of 4560 hours, (b) 30 hours per grantee to complete the report, for a total of 3960 hours, and (c) 2 hours per grantee for recordkeeping, for a total of 264 hours.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/88	53 FR 23568
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: State

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $105,408; Base Year for Dollar Estimates: 1988

Sectors Affected: None

Agency Contact: Janet Fox, Chief, Homeless Grant Program, Department of Health and Human Services, Family Support Administration, Room 2038 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202 475-0418

RIN: 0970–AA57

908. ● TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Regulatory Program

Legal Authority: PL 99-509, Sec 9101 Omnibus Budget Reconciliation Act of 1986

CFR Citation: 45 CFR 205.56

Legal Deadline: None

Abstract: These rules make revisions to the regulations designed to incorporate changes made by Section 9101 of PL 99-509, which amended Section 1137 of the Social Security Act to allow States flexibility in targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulations which required 100% verification and allows the States the option to target their uses to those identified in the State Plan as most likely to be productive. ADDITIONAL INFORMATION: These regulations are planned to be issued at the same time regulations being issued by the Department of Agriculture to provide consistency of implementation with the Federally assisted benefit program at that department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheldon Shalit, Management Analyst, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, 202 252-4803

RIN: 0970–AA58

909. ● AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None

Abstract: This final rule changes regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval for smaller expenditures by the Department.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 182
NPRM Comment Period End	11/30/87	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Lentz, Management Analyst, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, 202 252-4795

RIN: 0970–AA59

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Completed Actions

910. REFUGEE CASH AND MEDICAL ASSISTANCE

Significance: Regulatory Program

CFR Citation: 45 CFR 400

Completed:

Reason	Date	FR Cite
Final Action	08/24/88	53 FR 32222
Final Action Effective	08/24/88	53 FR 32222

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Philip A. Holman 202 252-4566

RIN: 0970–AA01

911. AID TO FAMILIES WITH DEPENDENT CHILDREN; TREATMENT OF UTILITY PAYMENTS BY APPLICANT OR RECIPIENTS LIVING IN CERTAIN FEDERALLY ASSISTANCE HOUSING

CFR Citation: 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	09/12/88	53 FR 35198
Final Action Effective	09/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson 202 252-5166

RIN: 0970–AA05

912. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

CFR Citation: 45 CFR 233; 42 CFR 435; 42 CFR 436

Completed:

Reason	Date	FR Cite
No regulation will be issued because statute has expired	10/01/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970–AA07

913. MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

CFR Citation: 45 CFR 305; 45 CFR 306

Completed:

Reason	Date	FR Cite
Final Action	09/16/88	53 FR 36014
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan 202 252-5368

RIN: 0970–AA13

914. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

CFR Citation: 45 CFR 302.51

Completed:

Reason	Date	FR Cite
Final Action	06/09/88	53 FR 21642

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan 202 252-5366

RIN: 0970–AA15

915. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS, TREATMENT OF REPLACEMENT CHECKS

CFR Citation: 45 CFR 201.5

Completed:

Reason	Date	FR Cite
Final Action	06/28/88	53 FR 24267
Final Action Effective	06/28/88	53 FR 24267

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John B. McDonald 202 252-4586

RIN: 0970–AA19

916. ALIEN LEGALIZATION

Significance: Regulatory Program

CFR Citation: 45 CFR 206.10(a)(1)(vii)(B); 45 CFR 233.20(a)(3)(vi)(B); 45 CFR 233.50(c)

Completed:

Reason	Date	FR Cite
Final Action	08/12/88	53 FR 30432
Final Action Effective	09/30/88	53 FR 30432

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970–AA48

917. FY 1988 SCORING SYSTEM FOR PERFORMANCE INDICATORS

Significance: Agency Priority

CFR Citation: 45 CFR 305.98

Completed:

Reason	Date	FR Cite
Decision made to terminate rulemaking	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John Treacy 202 252-5363

RIN: 0970–AA51

[FR Doc. 88-20997 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-88-1853; FR-2566]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

Dated: August 26, 1988.

J. Michael Dorsey,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
918	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30

HUD

Office of the Secretary—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
919	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance Loan and Grant Programs (S-3-85; FR-2007)	2501-AA59
920	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-13-86; FR-2316)	2501-AA39
921	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
922	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (S-2-88; FR-2481)	2501-AA67
923	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
924	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
925	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
926	24 CFR 50 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
927	24 CFR 14 Fair Housing; Implementation of the Fair Housing Amendments Act of 1988 (S-8-88; FR-2565)	2501-AA76
928	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
929	24 CFR 200 Implementation of Sec. 165 of the HCD Act of 1987--Social Security Rule (S-4-88; FR-2501)	2501-AA72
930	24 CFR 576 Amendment to the McKinney Act of 1987 (S-6-88; FR-2562)	2501-AA74
931	24 CFR 18 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (S-7-88; FR-2134)	2501-AA75

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
932	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
933	24 CFR 24 Debarment Suspension and Limited Denial of Participation--All- Cash Sales Exception (S-4-87; FR-2356)	2501-AA60
934	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
935	24 CFR 203 Insurance of Price Level Adjusted Mortgages (Indexed Mortgages) (S-5-88; FR-2518)	2501-AA73

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
936	24 CFR 15.14 Freedom of Information Reform Act of 1986--Fee Schedule and Fee Waiver Regulations (S-6-87; FR2362)	2501-AA62
937	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
938	24 CFR 28 Administrative Remedies for False Claims and Statements (S-2-87; FR-2310)	2501-AA58
939	24 CFR 35 Lead-Based Paint Hazard Elimination (S-1-88; FR-2447)	2501-AA68
940	24 CFR 0042 Uniform Relocation Act Amendments of 1987 (S-3-88; FR-2357) (formerly CPD-3-87)	2501-AA70

HUD

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
941	24 CFR 203.2 Eligibility Requirements--Mortgagee Approval (H-13-88; FR-2453)	2502-AE37
942	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
943	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR2327)	2502-AE06

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
944	00 CFR 000 Capital Improvements Assistance--Section 201 of the HCD Amendments of 1978 (H-34-88; FR-2541)	2502-AE55
945	24 CFR 50 Coinsurance of Equity Loans (H-37-88, FR2560)	2502-AE60
946	24 CFR 200 Authorize Additional Types of Loans for Direct Endorsement Processing (H-4-88; FR-2433)	2502-AE48
947	4 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
948	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
949	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE11
950	24 CFR 203 Emergency Homeownership Counseling (H-20-88; FR-2460) 1987 HCD Act	2502-AE28
951	24 CFR 203 Single Family Mortgage Insurance - Occupant and Investor Mortgagors (H-16-88; FR-2456) 1987 HCD Act	2502-AE40
952	24 CFR 203.400 Deadline for Filing Single Family Supplemental Claims (H-26-88; FR-2487)	2502-AE51
953	24 CFR 203 Action to Reduce Losses under FHA Single Family Mortgage Insurance Program (H-28-88; FR-2491)	2502-AE52
954	24 CFR 204.280 Claim Processing on Defaulted Coinsured Single-Family Mortgages (H-1-88; FR-2410)	2502-AE25
955	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
956	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
957	24 CFR 280 Nehemiah Opportunity Grants Program (H-25-88; FR-2478) 1987 HCD Act	2502-AE45
958	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR-2380)	2502-AE10
959	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
960	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
961	24 CFR 882 Interprogram Transfers of Assisted Tenants (H-8-88; FR-2436)	2502-AE32
962	24 CFR 885 Loans for the Elderly or Handicapped - Housing for the Handicapped (H-23-88; FR-2476) 1987 HCD Act	2502-AE47
963	24 CFR 886 Provision of Section 8 Existing Housing Assistance for Projects at Foreclosure Sales (H-3-86; FR-2158)	2502-AD43
964	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
965	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
966	24 CFR 1710 Amendments to Interstate Land Sales Registration (H-47-86; FR-2503)	2502-AD81
967	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
968	24 CFR 3280.309 Notice of Formaldehyde; Manufactured Home Construction and Safety (H-23-87; FR2349)	2502-AE21
969	24 CFR 3280.506 Manufactured Housing Energy Conservation Standards (H-29-88; FR-2497) 1987 HCD Act	2502-AE53
970	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
971	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
972	00 CFR 000 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act	2502-AE35
973	00 CFR 000 HODAG 1987 Act Amendments (H-19-88; FR-2459)	2502-AE43
974	00 CFR 000 Section 8 Certificate Program Project-Based Assistance (H-30-88; FR-2502)	2502-AE56
975	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
976	24 CFR 200 Minimum Property Standards (MPS) for Housing -- Water Supply Systems (H-31-86; FR-2255)	2502-AD64
977	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374)	2502-AE12
978	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370)	2502-AE15
979	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92

HUD

Office of Housing—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
980	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
981	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
982	24 CFR 203 Deregulation of Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333)	2502-AD98
983	24 CFR 203 Allegany Reservation of the Seneca Nation (H-32-87; FR-2382)	2502-AE09
984	24 CFR 203 Disclosure of Annual Rate Changes of Adjustable Rate Mortgages (H-35-88; FR-2542)	2502-AE57
985	24 CFR 207 Revisions Relating to Full Insurance and Coinsurance of Existing Cooperatives (H-31-88; FR-2511)	2502-AE54
986	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421)	2502-AE26
987	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
988	24 CFR 50 Prepayment of Mortgages on Low- and Moderate-Income Housing (H-10-88; FR-2450) 1987 HCD Act	2502-AE34
989	24 CFR 219 Eligibility of Section 23 and Section 202 Housing for Flexible Subsidy (H-18-88; FR-2458) 1987 HCD Act	2502-AE42
990	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
991	24 CFR 735 Section 236 Rent Supplement (H-17-88; FR-2457) 1987 HCD Act	2502-AE41
992	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
993	24 CFR 880 Section 8 Housing Assistance Payments Programs -- Revisions to Contract Rent Adjustment Regulations (H-22-88; FR-2469) 1987 HCD Act	2502-AE44
994	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
995	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
996	24 CFR 885 Loans for the Elderly or Handicapped - Loan Interest Rate Provisions (H-24-88; FR-2477) 1987 HCD Act	2502-AE46
997	24 CFR 885 Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservation (H-33-88; FR2536)	2502-AE58
998	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
999	00 CFR 000 Supportive Housing Demonstration Program (H-34-87; FR2385)	2502-AE13
1000	24 CFR 200 Issuance of FHA Debentures (H-36-86; FR-2268)	2502-AD68
1001	24 CFR 200 Revision of Use of Materials Bulletin used in the HUD Bldg. Product Standard and Certification Program (H-4-87; FR2308)	2502-AE04
1002	24 CFR 200 Manufactured Home Construction and Safety Standards for Lead in Water Piping(H-3-87; FR-2296)	2502-AE05
1003	24 CFR 201.54 Filing Period for Resubmission of Denied Claims (H-43-86)	2502-AD80
1004	24 CFR 203 Revision of HUD Mortgage Approval Process (H-5-88; FR-2434)	2502-AE27
1005	24 CFR 203 Deadline for Filing Single Family Supplemental Claims (H-36-88; FR-2559)	2502-AE59
1006	24 CFR 207.19 Multifamily Housing Mortgage Insurance -- Regulation of Rents (H-9-88; FR-2448) 1987 HCD Act	2502-AE33
1007	24 CFR 215 Rent Supplement Federal Tenant Selection Preference (H-12-88; FR-2452) 1987 HCD Act	2502-AE36
1008	24 CFR 232 FHA Insurance of Mortgages Covering Nursing Homes and Similar Projects (H-27-88; FR-2490)	2502-AE38
1009	24 CFR 241 Additional Revisions - Hospital Insurance (H-24-86; FR-2227)	2502-AD70
1010	24 CFR 242 Hospital Insurance - Alternate Certification Requirements (H-21-88; FR-2466) 1987 HCD Act	2502-AE29
1011	24 CFR 251 Assignment of Interest of Coinsuring Lender to Warehouse Bank for Interim Funding (H-15-88; FR-2455)	2502-AE39
1012	24 CFR 252 Coinsurance for Nursing Homes and Intermediate Care Facilities (H-32-86; FR-2256)	2502-AD74
1013	24 CFR 887 Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85; FR-2170)	2502-AD26

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1014	24 CFR 510.34 Removal of Risk Premium Provisions in Section 312 Program (CPD-9-88; FR-2553)	2506-AA87
1015	24 CFR 0510 Personal Liability for Repayment on Section 312 Rehabilitation Loans (CPD-10-88; FR-2557)	2506-AA89
1016	24 CFR 511 Rental Rehabilitation Program (CPD-11-88; FR-2558)	2506-AA88
1017	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38

HUD

Office of Community Planning and Development—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1018	24 CFR 570 Urban Development Action Grant Applications from Consortia of Small Cities (CPD-6-87; FR2381)	2506-AA76
1019	24 CFR 0570 Secretary's Discretionary Fund - Work Study Program (CPD-4-88; FR-2475) 1987 HCD Act	2506-AA81
1020	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2496)	2506-AA84
1021	24 CFR 590 Urban Homesteading Selection Procedures and Eligibility for Discretionary Fund Technical Assistance (CPD-1-88; FR-2461)	2506-AA79

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1022	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1023	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1024	24 CFR 570 Conserving Neighborhoods by Prohibiting Displacement (CPD-3-88; FR-2474) 1987 HCD Act	2506-AA82
1025	24 CFR 0570 Implementation of Prohibition on Use of UDAG Grants for Business Relocation (CPD-6-88; FR-2500)	2506-AA86

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1026	24 CFR 511.1 Rental Rehabilitation Grants (CPD-2-88; FR-2472)	2506-AA80
1027	24 CFR 511.33 Rental Rehabilitation Program; Reallocation of Rental Rehabilitation Grant Amounts (CPD-7-88; FR-2530)	2506-AA85
1028	24 CFR 570 Community Development Block Grant Regulations (CPD-6-84; FR-1895)	2506-AA47
1029	24 CFR 570.450 to 465 Community Development Block Grants, Urban Development Action Grants (CPD-9-86; FR-2449)	2506-AA72
1030	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84; FR-2102)	2506-AA58
1031	24 CFR 576 Emergency Shelter Grants ('87 Act) (CPD-7-87; FR2387)	2506-AA77
1032	24 CFR 596 Enterprise Zone Development (CPD-11-83; FR-1913)	2506-AA45

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1033	24 CFR 390 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03
1034	24 CFR 390.17 GNMA Fees (GNMA-1-87; FR2395)	2503-AA05
1035	24 CFR 390 GNMA Mortgage-Backed Securities (GNMA-1-88; FR-2548)	2503-AA06

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1036	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1037	24 CFR 105 Procedure for Processing Complaints under Section 810 of the Fair Housing Act (FHEO-5-88; FR-2563)	2529-AA40
1038	24 CFR 111 Redesign for Fair Housing Assistance Program (FHEO-2-87; FR-2403)	2529-AA33
1039	24 CFR 115 Recognition of Jurisdictions with Substantially Equivalent Fair Housing Laws (FHEO-1-88)	2529-AA31
1040	24 CFR 120 Community Housing Resource Board Program (FH&EO-4-88; FR-2561)	2529-AA39

HUD

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1041	24 CFR 125 Fair Housing - Coordination of Executive Agency and Regulatory Agency Affirmative Administration of Programs in Connection with HUD (FH&EO-1-88; FR-2480)	2529-AA36

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1042	24 CFR 125 The Fair Housing Initiatives Program (FH&EO-2-88; FR-2486) 1987 HCD Act	2529-AA37
1043	24 CFR 735 Conforming Amendments to HUD Rules to Comply with Sec. 504 of the Rehab Act and Other Authorities (FH&EO-3-88; FR-2531)	2529-AA38

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1044	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
1045	24 CFR 105 Procedure for Processing Complaints under Section 804 of the Fair Housing Act (FH&EO-6-84; FR 2012)	2529-AA24

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1046	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
1047	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1048	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473)	2535-AA16
1049	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376)	2535-AA15

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1050	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
1051	48 CFR 2401 Revisions of HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534)	2535-AA17

HUD

Office of Public and Indian Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1052	00 CFR 000 Economic Rent in Public Housing Projects (P-4-88; FR-2462) 1987 HCD Act	2577-AA57

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1053	00 CFR 000 Limitation on Public Housing Development (P-6-88; FR-2464) 1987 HCD Act	2577-AA59
1054	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (P-10-88; FR2211)	2577-AA68
1055	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1056	24 CFR 905 Establishment of Preference for Elderly and Near Elderly Families (P-13-88; FR-2505)	2577-AA69
1057	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1058	24 CFR 968.12(i) Decontrol of Public Housing Authorities; CIAP Development (P-5-87; FR-2408)	2577-AA48
1059	24 CFR 968 Modernization Grant Program (P-8-88; FR-2488)	2577-AA66
1060	24 CFR 968 Comprehensive Improvement Assistance Program--Special Purpose Modernization (P-18-88; FR-2545)	2577-AA72
1061	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49
1062	24 CFR 990 Performance Funding System Revisions (87 Act)--Formal Review Process Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1063	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1064	00 CFR 000 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1065	24 CFR 813 Indian Housing Act of 1988 (P-16-88; FR-2538)	2577-AA70
1066	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1067	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1068	24 CFR 905 Self-Help Homeownership Program (P-17-88; FR-2544)	2577-AA74
1069	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1070	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40
1071	24 CFR 965 Change in Consolidated Supply Program (CSP) (P-11-88; FR2482)	2577-AA67
1072	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43
1073	24 CFR 990 Revision to PFS - Insurance Costs (P-2-88; FR-2437) 1987 HCD Act	2577-AA56

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1074	24 CFR 905.211 Preemption of Certain State-Determined Prevailing Wage Rates Applicable to Public and Indian Housing Projects (P-6-86; FR-2231)	2577-AA42
1075	24 CFR 905 Public Housing Homeownership (P-9-88; FR-2489) 1987 HCD Act	2577-AA65
1076	24 CFR 960 Public Housing -- Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1077	24 CFR 964 Tenant Management in Public Housing (P-14-88; FR-2519)	2577-AA73
1078	24 CFR 968.5(g) Comprehensive Improvement Assistance Program: Multi-Stage Funding (P-1-88; FR-2415)	2577-AA55
1079	24 CFR 969 Effects of Debt Forgiveness on Public Housing Agency Annual Contributions Contracts (P-6-87; FR-2409)	2577-AA51

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

918. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501–AA30

919. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE LOAN AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance, loans and grants.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2501–AA59

920. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-13-86; FR-2316)

Legal Authority: EO 11514; EO 11991; 42 USC 1437(i); 42 USC 4332; 42 USC 5304(f)

CFR Citation: 24 CFR 0058

Legal Deadline: None

Abstract: This rule is related to RIN: 2501-AA25 (S-6-84; FR-1965). It proposes revisions in the regulations governing environmental review, decisionmaking and other actions by recipients of HUD assistance under the CDBG, Rental Rehabilitation and Housing Development grant programs that are not appropriate for final rulemaking. The proposed rulemaking is intended to solicit comments from the public on revisions to environmental policy that program experience has indicated may enhance compliance with NEPA, other environmental authorities and HUD legislation under the affected assistance programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles E. Thomsen, Architect, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501–AA39

921. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501–AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

922. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (S-2-88; FR-2481)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 417

CFR Citation: 24 CFR 206

Legal Deadline: NPRM, Statutory, November 1988.

Abstract: This regulation is intended to implement the Home Equity Conversion Mortgage demonstration program in order to meet the special needs of the elderly by permitting the conversion of a portion of accumulated home equity into liquid assets, and to encourage and increase the involvement of mortgagees and participants in the mortgage markets in the making and servicing of home equity conversion mortgages for elderly homeowners.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith V. May, Office of Economic Affairs, Department of Housing and Urban Development, Policy Development and Research, 202 755-5537

RIN: 2501–AA67

923. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None

Abstract: This rule would remove regulations that are obsolete or duplicative. The rule would also decontrol some programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Tim Coward, Attorney Advisor, Office of Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501–AA50

924. AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Legal Deadline: None

Abstract: The Department is reviewing its procedural rules to determine to what extent they need to be updated. This includes the rules the Department uses in developing new rules or amending existing regulations, and the procedures the public may use in commenting on a rulemaking or must use to obtain information from HUD under the Freedom of Information Act as well as procedures applicable to the Interstate Land Sales Registration Program. It is the Department's intention to streamline procedures, to make procedures more uniform, to clarify procedures for public petition for rulemaking, and to be more explicit about the kinds of rulemaking that will be subject to public participation and the circumstances under which rules may receive expedited treatment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501–AA57

925. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 46

Legal Deadline: None

Abstract: In response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model that has been promulgated by the Office of Science and Technology Policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, 202 755-6230

RIN: 2501–AA15

926. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 50; 24 CFR 55; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban

Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-7894

RIN: 2501–AA23

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927. ● FAIR HOUSING; IMPLEMENTATION OF THE FAIR HOUSING AMENDMENTS ACT OF 1988 (S-8-88; FR-2565)

Significance: Regulatory Program

Legal Authority: 5 USC 504(c)(1); 42 USC 3600 to 3620

CFR Citation: 24 CFR 14; 24 CFR 105; 24 CFR 115

Legal Deadline: Final, Statutory, March 12, 1989.

Abstract: The Fair Housing Amendments Act of 1988 (PL 100-430, approved September 13, 1988) revises title VIII of the Civil Rights Act of 1968 (PL 90-285, approved April 11, 1968). The 1988 Amendments adds handicap and familial status to the existing categories protected under the Act (race, color, national origin, religion and sex), and creates a more effective administrative enforcement system under the Act. This proceeding would implement the 1988 Amendments. HUD may issue rules by one or more separate rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence D. Pearl, Director, Office of Program Standards and, Evaluation, Department of Housing and Urban Development, Office of the Secretary, 202 755-5288

RIN: 2501–AA76

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928. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: NPRM, Statutory, October 1, 1988.

Abstract: This proposed rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, but has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

ADDITIONAL CONTACT PERSON (Public and Indian Housing): Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501–AA63

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929. ● IMPLEMENTATION OF SEC. 165 OF THE HCD ACT OF 1987--SOCIAL SECURITY RULE (S-4-88; FR-2501)

Legal Authority: 42 USC 3543

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 290; 24 CFR 750; 24 CFR 813; 24 CFR 840; 24 CFR 841; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; ...

Legal Deadline: None

Abstract: This proposed rule would implement section 165 of the HCD Act of 1987 by providing for required disclosure of social security numbers by certain HUD program users, including applicants, managing principals, contractors, corporate officers, and other officials involved in HUD's FHA mortgage and loan insurance programs, rental assistance programs, and public housing programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel, for Legislation and Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501–AA72

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930. ● AMENDMENT TO THE MCKINNEY ACT OF 1987 (S-6-88; FR-2562)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 576

Legal Deadline: NPRM, Statutory, 00/00/00.
The Act, when approved, is expected to contain deadlines similar to those

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contained in earlier homeless legislation.

Abstract: The rule would revise the Emergency Shelter Grant Program rule 24 CFR 576 as necessary to implement certain changes in a currently pending bill, the Omnibus McKinney Homeless Assistance Act of 1988. The rule will cover miscellaneous changes to the Comprehensive Homeless Assistance Plan (CHAP) requirements and to the Emergency Shelter Grants Program (FSG).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2501–AA74

931. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (S-7-88; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 18

Legal Deadline: None

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of the Secretary, 202 755-6713

RIN: 2501–AA75

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of the Secretary (HUDSEC)

932. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501–AA55

933. DEBARMENT SUSPENSION AND LIMITED DENIAL OF PARTICIPATION--ALL- CASH SALES EXCEPTION (S-4-87; FR-2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This interim rule contains provisions of the common rule on Nonprocurement Debarment and Suspension which HUD could not adopt at the time that rule was published because of statutory requirements for congressional pre-publication review. These provisions relate to the application of debarment and suspension to foreign governments and organizations. The interim rule also deletes the exception for all cash sales at 24 CFR 24. The exception is being removed as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/88	53 FR 30049
Interim Final Rule Effective	10/01/88	53 FR 30049
Interim Final Rule Comments Due	10/11/88	53 FR 30049
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for. Inspector General & Admin Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501–AA60

934. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item makes final two current interim rules. These rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3)

additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTD: provisions for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division. 202 755-6611

RIN: 2501–AA25

935. ● INSURANCE OF PRICE LEVEL ADJUSTED MORTGAGES (INDEXED MORTGAGES) (S-5-88; FR-2518)

Legal Authority: 12 USC 1715z to 10

CFR Citation: 24 CFR 203; 24 CFR 220. 24 CFR 221; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule provides for the insurance of Price Level Adjusted Mortgages (PLAMs) which are intended to increase the availability of homeownership opportunities for homebuyers while protecting the FHA against default exposure.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	49 FR 23063
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharmeen Dosky, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501–AA73

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Completed Actions

Office of the Secretary (HUDSEC)

936. FREEDOM OF INFORMATION REFORM ACT OF 1986--FEE SCHEDULE AND FEE WAIVER REGULATIONS (S-6-87; FR2362)

CFR Citation: 24 CFR 15.14; 24 CFR 15.15; 24 CFR 15.16; 24 CFR 15.17; 24 CFR 15.18; 24 CFR 15.21; 24 CFR 15.31; 24 CFR 15.32; 24 CFR 15.33; 24 CFR 15.41; 24 CFR 15.42; 24 CFR 2002

Completed:

Reason	Date	FR Cite
Final Action	09/27/88	53 FR 37546
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David D. White 202 755-7137

RIN: 2501–AA62

937. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

CFR Citation: 24 CFR 24

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	53 FR 19161

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Black 202 755-7200

RIN: 2501–AA05

938. ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS (S-2-87; FR-2310)

Significance: Agency Priority

CFR Citation: 24 CFR 28

Completed:

Reason	Date	FR Cite
Final Action	06/24/88	53 FR 24000
Final Action Effective	08/10/88	53 FR 24000

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Patricia M. Black 202 755-7200

RIN: 2501–AA58

939. LEAD-BASED PAINT HAZARD ELIMINATION (S-1-88; FR-2447)

CFR Citation: 24 CFR 35; 24 CFR 200; 24 CFR 510; 24 CFR 511; 24 CFR 570; 24 CFR 575; 24 CFR 576; 24 CFR 590; 24 CFR 840; 24 CFR 881; 24 CFR 882; 24 CFR 905; 24 CFR 965; 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	06/06/88	53 FR 20790
Final Action Effective	06/06/88	53 FR 20790

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Garth Rieman 202 755-3532

RIN: 2501–AA68

940 UNIFORM RELOCATION ACT AMENDMENTS OF 1987 (S-3-88; FR-2357) (FORMERLY CPD-3-87)

CFR Citation: 24 CFR 0042

Completed:

Reason	Date	FR Cite
End Review - DOT is lead agency for the final rule	09/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

HUD—HUDSEC **Completed Actions**

Agency Contact: R. Harold Huecker
202 755-6336

RIN: 2501–AA70

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Prerule Stage

941. ELIGIBILITY REQUIREMENTS--MORTGAGEE APPROVAL (H-13-88; FR-2453)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.2

Legal Deadline: None

Abstract: This rule would clarify HUD requirements for approval of partnerships as mortgagees for mortgage insurance programs. The current rule only mentions limited partnerships with one general partner. The new rule would explain approval conditions for other limited partnerships and general partnerships.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Allison, Dir., Lender Approval & Recertification Div., Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502–AE37

942. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: 12 USC 1715z to 1a

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of the General Counsel, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502–AC31

943. MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR2327)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Hsg. &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502–AE06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Proposed Rule Stage

944. ● CAPITAL IMPROVEMENTS ASSISTANCE--SECTION 201 OF THE HCD AMENDMENTS OF 1978 (H-34-88; FR-2541)

Legal Authority: 12 USC 1715z-1a

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would implement section 185 of the Housing & Community Act of 1987 (P. Law 100-242), which permits HUD to make loans for capital improvements to multifamily housing projects under specified terms and conditions set out in the statute.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and

Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE55

945. ● COINSURANCE OF EQUITY LOANS (H-37-88, FR2560)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248

Legal Deadline: None

Abstract: This rule implements the Preservation of Low Income Housing Act adopted by Congress to avoid the irreplaceable loss of income housing and irrevocable displacement of tenants due to the prepayment of FHA-insured mortgages covering subsidized projects. Pursuant to this enactment, the Secretary may offer the owner of an eligible multifamily project several inducements not to prepay the mortgage. One such inducement, provided by these regulations, is the insurance of an equity loan which the owner of the project may use as a vehicle to capture a portion of the project's appreciation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hamernick, Director, Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502–AE60

946. AUTHORIZE ADDITIONAL TYPES OF LOANS FOR DIRECT ENDORSEMENT PROCESSING (H-4-88; FR-2433)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to make the following types of mortgages eligible for processing through the direct endorsement program as (1) those insured under sections 222 and 203(k) and (2) those insured pursuant to section 238(c) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE48

947. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 4 CFR 203

Legal Deadline: None

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at that time, the mortgagee will be expected to produce all the supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and the required file contents for records supporting single family claim payments and mortgagee reviews.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AC50

948. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The new single family process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus an amount representing the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ann M. Sudduth, Chief, Insured Servicing Branch, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-7330

RIN: 2502–AC54

949. MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None

Abstract: Proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgagee to rectify the defects.

Exploring the base on which the graduated charges will be calculated; i.e., whether to use a percentage of the total insured claim or materials averages of daily holding costs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jacqueline Campbell, Dir., Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502–AE11

950. EMERGENCY HOMEOWNERSHIP COUNSELING (H-20-88; FR-2460) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 169

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would implement sec. 169(b) of the Housing and Community Development Act of 1987 authorizing HUD to make grants to nonprofit organizations to provide homeownership counseling to eligible homeowners.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE28

951. SINGLE FAMILY MORTGAGE INSURANCE - OCCUPANT AND INVESTOR MORTGAGORS (H-16-88; FR-2456) 1987 HCD ACT

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR 233; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule would implement section 406 of the Housing & Community Development Act of 1987. Section 406 authorizes HUD (1) to insure single family mortgages under title II of the National Housing Act, or (2) to approve a substitute mortgagor for single family mortgages insured under title II, only if the mortgagor is to occupy the dwelling as a principal or secondary residence, as determined by HUD. Section 406 provides that this occupancy requirement only applies if the mortgage involve a principal obligation that exceeds 75 percent of the loan-to-value or equivalent calculation under the insuring authority involved. The action exempts from the occupancy requirement, mortgagors under the Rehabilitation Loan program under section 203(k) of the National Housing Act, and certain public entity, nonprofit, serviceperson, and other mortgagors under various National Housing Act activities.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38844
NPRM Comment Period End	12/02/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Dir., Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE40

952. DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-26-88; FR-2487)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203.400

Legal Deadline: None

Abstract: At present, there is no regulatory control over the time period that mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claim within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502–AE51

953. ACTION TO REDUCE LOSSES UNDER FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (H-28-88; FR-2491)

Legal Authority: 12 USC 1715b; 12 USC 1735f(1); PL 100-242, Sec 407

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to implement section 407 of the Housing and Community Development Act of 1987. Where, as a result of an annual review, the Secretary finds a mortgagee with a higher than normal default and claim rate, the Secretary shall require the mortgagee to submit a report with a plan for corrective action. Failure to submit the report or complete the plan for corrective action within the timeframe required may be cause for suspension of the mortgagee from participation in FHA programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Nistler, Deputy Asst. Sec. for Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6675

RIN: 2502–AE52

954. CLAIM PROCESSING ON DEFAULTED COINSURED SINGLE-FAMILY MORTGAGES (H-1-88; FR-2410)

Legal Authority: 12 USC 1715z-9

CFR Citation: 24 CFR 204.280; 24 CFR 204.281; 24 CFR 204.282; 24 CFR 204.283; 24 CFR 204.284; 24 CFR 204.292; 24 CFR 204.293; 24 CFR 204.294; 24 CFR 204.300; 24 CFR 204.301; 24 CFR 204.302

Legal Deadline: None

Abstract: The rule will modify the foreclosure and claim processing provisions for coinsured mortgages to conform them to the requirements of Part 203 to the effect that defaulted

insured mortgagors must be considered for TMAP or assignment/forbearance assistance to avoid foreclosure.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Curtis Myron, Dep. Dir., Single Family Servicing Div., Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6664

RIN: 2502–AE25

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955. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15; PL 100-242, Sec 261

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: This rule would codify HUD policies for implementing section 250(a) and (b) of the National Housing Act, as added by section 433 of the Housing and Urban-Rural Recovery Act of 1983 and amended by section 261 of the Housing and Community Development Act of 1987. This rule would restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment. Additional requirements imposed on the prepayment of multifamily project mortgages by Title II, Subtitle B of the Housing and Community Development Act of 1987 are being implemented by separate rulemaking (FR-2450; H-10-88; RIN: 2502-AE34).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3970

RIN: 2502–AC49

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956. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 221.55

Legal Deadline: None

Abstract: This rule would make it possible for a mortgagee to net the escrow from the claim amount on automatic assignments. The escrow account can be built through a non-cash transaction in the Thrift system. This would eliminate misrouting of checks through the mail.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Gibbs, Director, Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-2632

RIN: 2502–AD78

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957. NEHEMIAH OPPORTUNITY GRANTS PROGRAM (H-25-88; FR-2478) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 611

CFR Citation: 24 CFR 280

Legal Deadline: None

Abstract: This rule would implement the Nehemiah Housing Opportunity Grants Program. Under this program HUD would provide assistance to private nonprofit organizations in the form of grants. The nonprofit organizations receiving grants would use the assistance to provide loans to families purchasing homes constructed or substantially rehabilitated under the program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502–AE45

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958. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR-2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AE10

959. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502–AA73

960. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987 and to propose certain revisions based on programmatic experience.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502–AD91

961. INTERPROGRAM TRANSFERS OF ASSISTED TENANTS (H-8-88; FR-2436)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882; 24 CFR 887; 24 CFR 905; 24 CFR 950

Legal Deadline: None

Abstract: Because currently assisted tenants are unlikely to receive a Federal preference, the implementation of the Preference Rule (FR-1597) could have the effect of locking most public housing tenants in the public housing program, thereby denying them any opportunity they currently might have to move to the top of the waiting list for a Section 8 certificate or voucher. This virtually eliminates any possibility for the family to retain their assistance and also move closer to areas of better economic opportunity.

This proposed rule would allow a PHA to treat a currently assisted family's request for a transfer among the public housing, Section 8 certificate, and Housing Voucher programs it administers as an interprogram transfer rather than as a new admission.

This rule would complement the new provision in Sec. 146 of the Housing and Community Development Act of 1987 prohibiting a PHA in selecting families for assistance under Sec. 8, from excluding a family because the family resides in a public housing project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE32

962. LOANS FOR THE ELDERLY OR HANDICAPPED - HOUSING FOR THE HANDICAPPED (H-23-88; FR-2476) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 12 USC 1701g

CFR Citation: 24 CFR 885

Legal Deadline: None
(HUD was directed to publish a NOFA to implement the program of Housing for nonelderly handicapped families not later than the expiration of the 120 day period following the date of (cont)

Abstract: Section 162 of the Housing and Community Development Act of 1987 authorizes a new type of assistance payments to be made to replace section 8 assistance payments made in connection with section 202 housing for the nonelderly handicapped. This rule would establish regulations for this program and modify existing Part 885 to exclude housing for the handicapped.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: enactment of the 1987 Act, to the extent that amounts are approved in an appropriations act.)

Agency Contact: Margaret Milner, Office of Policy, Financial Management, and Administration, Department of Housing and Urban Development, Office of Housing, 202 755-6742

RIN: 2502–AE47

963. PROVISION OF SECTION 8 EXISTING HOUSING ASSISTANCE FOR PROJECTS AT FORECLOSURE SALES (H-3-86; FR-2158)

Significance: Agency Priority

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k)

CFR Citation: 24 CFR 886; 24 CFR 27

Legal Deadline: None

Abstract: This proposed rule would amend Parts 886 and 27 to make Section 8 assistance available for projects sold at foreclosure sales and to propose any revisions or additions to HUD regulations that may be necessary to implement section 181 of the Housing and Community Development Act of 1987 and that require prior public comment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502–AD43

964. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None

Abstract: This proposed rule would amend Part 886 which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, **202 426-3970**

RIN: 2502–AD69

965. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lionel Cabrera, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban Development, Office of Housing, **202 755-6924**

RIN: 2502–AD54

966. AMENDMENTS TO INTERSTATE LAND SALES REGISTRATION (H-47-86; FR-2503)

Significance: Agency Priority

Legal Authority: 15 USC 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 1710

Legal Deadline: None

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration requirements with no loss in consumer protection.

Timetable:

Action	Date	FR Cite
NPRM	08/12/88	53 FR 30443
NPRM Comment Period End	10/11/88	53 FR 30443
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John L. Brady, Director, Interstate Land Registration Division, Department of Housing and Urban Development, Office of Housing, **202 755-0502**

RIN: 2502–AD81

967. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Legal Deadline: None

Abstract: Medium density fiberboard is not currently covered by the standards but is a major emitter of formaldehyde. It is used extensively in cabinet construction and can cause problems similar to particleboard or plywood, materials already regulated by the standards.

Second, the Department has received a number of complaints concerning the language and posting requirements of the health notice. Consideration will be given to different notice requirements if the manufactured home meets more than the minimum standard of formaldehyde levels.

Third, the current rule requires recertification of plywood and particleboard following treatment with a product containing formaldehyde.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban

HUD—OH **Proposed Rule Stage**

Development, Office of Housing, **202 755-5210**

RIN: 2502–AE02

968. NOTICE OF FORMALDEHYDE; MANUFACTURED HOME CONSTRUCTION AND SAFETY (H-23-87; FR2349)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.309

Legal Deadline: None

Abstract: This rule would revise the Health Notice on formaldehyde emissions required under the Manufactured Home Construction and Safety Standards at 24 CFR 3280.309. The primary revisions would involve the shortening of the background information in the Notice on health risks arising from formaldehyde and engineering options to reduce formaldehyde levels, and the addition of an option for manufacturers concerning the location of the Notice.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, **202 755-6590**

RIN: 2502–AE21

969. MANUFACTURED HOUSING ENERGY CONSERVATION STANDARDS (H-29-88; FR-2497) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 568

CFR Citation: 24 CFR 3280.506

Legal Deadline: None

Abstract: The regulation would revise the Department's thermal energy standards to comport with section 568's requirements that the Department's standards be "cost-effective energy conservation standards designed to ensure the lowest total of construction and operating costs."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark Holman, Director, Manufactured Housing and, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, **202 755-5210**

RIN: 2502–AE53

970. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 **755-5210**

RIN: 2502–AD60

971. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 **755-5210**

RIN: 2502–AD61

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Housing (OH)

972. TENANT PARTICIPATION IN MULTIFAMILY PROJECTS (H-11-88; FR-2451) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 183

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

HUD—OH

Final Rule Stage

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE35

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973. HODAG 1987 ACT AMENDMENTS (H-19-88; FR-2459)

Legal Authority: PL 100-242, Sec 151(a)-(e)

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This final rule would amend existing provisions and add new provisions implementing section 151 of the HCDA of 1987.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin, Director, Development Grant Division, Department of Housing and Urban Development, Office of Housing, 202 755-6142

RIN: 2502–AE43

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974. ● SECTION 8 CERTIFICATE PROGRAM PROJECT-BASED ASSISTANCE (H-30-88; FR-2502)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 148 of the Housing and Community Development Act of 1987 amended section 8(d)(2) of the United States Housing Act of 1937 to require the Department to permit a PHA to attach not more than 15 percent of the section 8 Existing Housing Program assistance to existing structures if the owner agrees to rehabilitate the structure other than with assistance under the 1937 Act. Section 8(d)(2) of the 1937 Act also permits the attachment of more than 15 percent of such assistance if HUD and the PHA agree. This rule would implement these provisions by establishing a new Subpart G to 24 CFR Part 882 for project-based certification.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and, Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE56

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975. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: Interim rule permits insured financing of properties with manufactured homes under Title II of the National Housing Act, as a means of broadening affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/83	48 FR 7731
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Director, Single Family Development, Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AB24

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976. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING -- WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

Legal Authority: 12 USC 1701 to 1715a-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend the regulation relating to the applicability of the chemical and bacteriological standards of local health authorities to HUD-insured one- and two-family dwellings. This proposal provides that in the absence of local standards, those of the appropriate State agency would apply. This revision would simplify the requirements for water supply systems while furthering the Department's policy of relying on acceptable State and local building codes.

Timetable:

Action	Date	FR Cite
NPRM	06/08/87	52 FR 21596
NPRM Comment Period End	08/07/87	52 FR 21596

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark W. Holman, Acting Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD64

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977. RESTRICTIONS ON ALL-CASH SALES (AMENDMENT TO PART 200) (H-30-87; FR-2374)

Legal Authority: 12 USC 1703; 12 USC 1715b

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This interim rule is intended to prohibit assumptors of a mortgage, or other persons purchasing property subject to a mortgage, on which an insured claim has been paid by the Department, from participating in a HUD "all cash public sale."

HUD—OH **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Single Family, Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE12

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978. AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would involve the following revisions to the Title I loan insured program:(1) a requirement that affected new manufactured homes meet the thermal energy requirements in HUD's Minimum Property Standards; (2) restrictions on the use of loan proceeds for the acquisition of furniture; (3) a reduction in the length of hazard insurance coverage that can be financed; (4) an increase in the property improvement loan amount on which a security interest is required; and (5) the collection of a higher percentage of the loan insurance premium in the early years when the risks of default are greatest.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30697
NPRM Comment Period End	09/29/88	53 FR 30697
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502–AE15

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979. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: Proposed regulation to protect HUD against suits brought under the Federal Tort Claims Act claiming negligent inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12431
NPRM Comment Period End	06/13/88	53 FR 12431

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single, Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AC92

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980. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: Additional amendments to TMAP and Assignment rule are needed to reflect change in TMAP interest rate made by section 428 of the Housing and Community Development Act of 1987 and to assure that mortgagees inform mortgagors of the possible right to TMAP or assignment before they accept a deed in lieu of foreclosure from the mortgagor. (This rule was identified in earlier Agendas as RIN: 2502-AB79; H-29-81; FR-1415.)

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AD34

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981. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This proposed rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961
Final Action	10/00/88	
Public Comments		
Notice of Solicitation 11/14/84 (49 FR 45075)		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured, Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AD65

HUD—OH

Final Rule Stage

982. DEREGULATION OF LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Origination fees in the FHA single family program will be deregulated, and the methods for determining mortgagor income would be revised.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15408
NPRM Comment Period End	06/28/88	53 FR 15408

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502–AD98

983. ALLEGANY RESERVATION OF THE SENECA NATION (H-32-87; FR-2382)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule implements Public Law 99-601. The law authorizes the Secretary of HUD, notwithstanding any contrary requirements in the National Housing Act, to insure single family mortgages covering certain properties located on lands within the Allegany Reservation of the Seneca Indian Nation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/87	52 FR 48197
Interim Final Rule Comments	02/19/88	52 FR 48197
Interim Final Rule Effective	03/28/88	53 FR 9869
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE09

984. ● DISCLOSURE OF ANNUAL RATE CHANGES OF ADJUSTABLE RATE MORTGAGES (H-35-88; FR-2542)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule will reduce the minimum day requirement HUD must adhere to when it makes effective any annual adjustment to a mortgagor's monthly payment on an adjustable rate mortgage.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Falkenstein, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502–AE57

985. ● REVISIONS RELATING TO FULL INSURANCE AND COINSURANCE OF EXISTING COOPERATIVES (H-31-88; FR-2511)

Legal Authority: 42 USC 3535

CFR Citation: 24 CFR 207; 24 CFR 255

Legal Deadline: None

Abstract: This rule makes a number of technical corrections to HUD regulations (24 CFR Parts 207 and 255) governing eligibility of existing cooperative housing projects for FHA full insurance or coinsurance.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE54

986. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment Period End	07/21/88	53 FR 20649
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502–AE26

987. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

HUD—OH

Final Rule Stage

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment Period End	02/19/88	52 FR 48276

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502–AC73

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988. PREPAYMENT OF MORTGAGES ON LOW- AND MODERATE-INCOME HOUSING (H-10-88; FR-2450) 1987 HCD ACT

Legal Authority: PL 100-242

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248; 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: The regulation implements provisions of the Housing and Community Development Act of 1987 that provide that mortgages on "eligible low income housing" may be prepaid only in accordance with a "plan of action" approved by the Secretary. The regulation establishes procedures for the submission and negotiation of such plans of action, lists incentives which may be part of the plan of action, and provides standards which the plans of action must meet. The regulation is designed to preserve needed low income housing in cases where the project owner might otherwise prepay its mortgage and convert the project to higher-income use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/88	53 FR 11224
Interim Final Rule Effective Date	05/20/88	53 FR 11224
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedure Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE34

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989. ELIGIBILITY OF SECTION 23 AND SECTION 202 HOUSING FOR FLEXIBLE SUBSIDY (H-18-88; FR-2458) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 185(b); PL 100-242, Sec 186(b)

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: This final rule will implement section 185(b) and 186(b) of the HCDA of 1987 making section 23 and section 202 housing eligible for flexible subsidy.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE42

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990. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b; PL 100-242, Sec 181

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended by Section 181 of the Housing and Community Development Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	49 FR 40888
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marc Harris, Multifamily Property Disposition Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-9280

RIN: 2502–AC68

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991. SECTION 236 RENT SUPPLEMENT (H-17-88; FR-2457) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 167(a)

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: This rule will increase assistance to owners to provide sufficient payments to cover 100 (formerly 90%) of the necessary rent increases and changes in the income of eligible tenants.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Dir., Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE41

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992. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 850

Legal Deadline: None

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to

States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Final Rule effective	08/07/84	49 FR 24634

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, **202 755-6142**

RIN: 2502–AC23

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993. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS -- REVISIONS TO CONTRACT RENT ADJUSTMENT REGULATIONS (H-22-88; FR-2469) 1987 HCD ACT

Legal Authority: 42 USC 1437f; PL 100-242, Sec 142

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 888

Legal Deadline: None

Abstract: This rule implements the statutory changes in contract rent adjustments for the several Section 8 Housing Assistance Payments Programs enacted in section 142 of the Housing and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE44

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994. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, **202 755-6887**

RIN: 2502–AD66

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995. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations on loans for housing for the elderly or handicapped. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502–AC03

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996. LOANS FOR THE ELDERLY OR HANDICAPPED - LOAN INTEREST RATE PROVISIONS (H-24-88; FR-2477) 1987 HCD ACT

Legal Authority: 12 USC 1701g

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This interim rule amended HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1957. The rule incorporated recent amendments to interest rate calculation provisions contained in the Housing and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/88	53 FR 19899
Interim Final Rule Effective	07/11/88	53 FR 19899
Interim Final Rule Comments Due	07/31/88	53 FR 19899
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden, Dir., Assisted Elderly and Handicapped, Housing Division, Department of Housing and Urban Development, Office of Housing, **202 426-8730**

RIN: 2502–AE46

HUD—OH **Final Rule Stage**

997. ● LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DURATION OF SECTION 202 FUND RESERVATION (H-33-88; FR2536)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule amends HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. The rule amends 24 CFR 885.230. Duration of section 202 fund reservation by (1) to permit HUD's Regional Office to extend the duration of fund reservation by an additional 12 months and (2) to add procedures governing the appeal of HUD decisions to cancel section 202 fund reservation as required by section 161(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242 approved February 5, 1988).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden, Director, Assisted Elderly & Handicapped, Housing Division, Department of Housing and Urban Development, Office of Housing, 202 426-8730

RIN: 2502–AE58

998. REAL ESTATE SETTLEMENT PROCEDURES ACT – CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 755-6550

RIN: 2502–AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Completed Actions

999. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (H-34-87; FR2385)

CFR Citation: 00 CFR 000

Completed:

Reason	Date	FR Cite
Final Action	06/24/88	53 FR 23898
Final Action Effective	09/01/88	53 FR 23898

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lawrence Goldberger 202 755-5720

RIN: 2502–AE13

1000. ISSUANCE OF FHA DEBENTURES (H-36-86; FR-2268)

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 207

Completed:

Reason	Date	FR Cite
Withdrawn	05/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Spiegel 202 755-5256

RIN: 2502–AD68

1001. REVISION OF USE OF MATERIALS BULLETIN USED IN THE HUD BLDG. PRODUCT STANDARD AND CERTIFICATION PROGRAM (H-4-87; FR2308)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn	08/16/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie H. Breden 202 755-5929

RIN: 2502–AE04

1002. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FOR LEAD IN WATER PIPING(H-3-87; FR-2296)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Final Action	06/23/88	53 FR 23610
Final Action Effective	08/11/88	53 FR 23610

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502–AE05

HUD—OH

Completed Actions

1003. FILING PERIOD FOR RESUBMISSION OF DENIED CLAIMS (H-43-86)

CFR Citation: 24 CFR 201.54

Completed:

Reason	Date	FR Cite
Withdrawn	07/27/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald C. Demitros 202 755-5306

RIN: 2502–AD80

1004. REVISION OF HUD MORTGAGE APPROVAL PROCESS (H-5-88; FR-2434)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	09/06/88	53 FR 34279
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AE27

1005. ● DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-36-88; FR-2559)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: At present , there is no regulatory control over the time period that mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claims within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite
Withdrawn (See FR-2487 Rin: 2502-AE51)	08/24/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 755-8680

RIN: 2502–AE59

1006. MULTIFAMILY HOUSING MORTGAGE INSURANCE -- REGULATION OF RENTS (H-9-88; FR-2448) 1987 HCD ACT

CFR Citation: 24 CFR 207.19; 24 CFR 220.511; 24 CFR 221.530

Completed:

Reason	Date	FR Cite
Final Action	05/04/88	53 FR 15813
Final Action Effective	06/16/88	53 FR 15813

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502–AE33

1007. RENT SUPPLEMENT FEDERAL TENANT SELECTION PREFERENCE (H-12-88; FR-2452) 1987 HCD ACT

CFR Citation: 24 CFR 215; 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	05/04/88	53 FR 15818
Final Action Effective	06/16/88	53 FR 15818

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502–AE36

1008. FHA INSURANCE OF MORTGAGES COVERING NURSING HOMES AND SIMILAR PROJECTS (H-27-88; FR-2490)

CFR Citation: 24 CFR 232

Completed:

Reason	Date	FR Cite
Final Action	05/03/88	53 FR 15671
Final Action Effective	06/16/88	53 FR 15671

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James Hamernick 202 755-6500

RIN: 2502–AE38

1009. ADDITIONAL REVISIONS - HOSPITAL INSURANCE (H-24-86; FR-2227)

Significance: Regulatory Program

CFR Citation: 24 CFR 241; 24 CFR 242

Completed:

Reason	Date	FR Cite
Final Action	05/05/88	53 FR 16068
Final Action Effective	06/16/88	53 FR 16068

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James L. Hamernick 202 755-6500

RIN: 2502–AD70

1010. HOSPITAL INSURANCE - ALTERNATE CERTIFICATION REQUIREMENTS (H-21-88; FR-2466) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 24 CFR 242

Completed:

Reason	Date	FR Cite
Withdrawn (Merged with FR-2227 - RIN: 2502-AD70)	02/08/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Hamernick 202 755-6500

RIN: 2502–AE29

1011. ASSIGNMENT OF INTEREST OF COINSURING LENDER TO WAREHOUSE BANK FOR INTERIM FUNDING (H-15-88; FR-2455)

CFR Citation: 24 CFR 251; 24 CFR 255

HUD—OH

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	08/09/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Hamernick 202 755-6500

RIN: 2502–AE39

1012. COINSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES (H-32-86; FR-2256)

CFR Citation: 24 CFR 252

Completed:

Reason	Date	FR Cite
Final Action	08/31/88	53 FR 33724

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James L. Hamernick 202 755-6500

RIN: 2502–AD74

1013. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85; FR-2170)

Significance: Regulatory Program

CFR Citation: 24 CFR 887

Completed:

Reason	Date	FR Cite
Final Action	09/06/88	53 FR 34372

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gerald Benoit 202 755-6477

RIN: 2502–AD26

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Proposed Rule Stage

1014. ● REMOVAL OF RISK PREMIUM PROVISIONS IN SECTION 312 PROGRAM (CPD-9-88; FR-2553)

Legal Authority: 42 USC 1452b

CFR Citation: 24 CFR 510.34; 24 CFR 510.36

Legal Deadline: None

Abstract: This rule will amend Part 510 to implement Sec. 518(b) of Housing and Community Development Act of 1987 by removing requirements of risk premiums or loan fees on loans made under Sec. 312 Rehabilitation Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506–AA87

1015. ● PERSONAL LIABILITY FOR REPAYMENT ON SECTION 312 REHABILITATION LOANS (CPD-10-88; FR-2557)

Legal Authority: 42 USC 1452b

CFR Citation: 24 CFR 0510

Legal Deadline: None

Abstract: This rule eliminates the requirement that all partners of any partnership on a Section 312 loan shall be personally liable for its repayment. It establishes criteria under which loans will be made without personal endorsement as security. This will maintain adequate security for the government's loan.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard R. Burk, Director, Rehab Loans & Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-0367

RIN: 2506–AA89

1016. ● RENTAL REHABILITATION PROGRAM (CPD-11-88; FR-2558)

Legal Authority: PL 100-242, Sec 150(b); PL 100-242, Sec 150(f)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will implement sections 150(b) and 150(f) of the Housing and Community Development Act of 1987 which amend sections 17(a)(1)(A)and 17(k)(4), respectively, of the United States Housing Act of 1937. Section 150(b) makes eligible for rehabilitation grant funds property that will be privately owned upon completion of rehabilitation. The previous authorizing legislation and current regulations limit the use of rehabilitation grant funds to properties that are (and continue to be) privately owned. Section 150(f) expands the definition of "privately owned real property to be used primarily for residential rental purposes" (and thus eligible for rehabilitation grant funds) to include housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA88

1017. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

HUD—CPD

Proposed Rule Stage

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 60% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506–AA38

1018. URBAN DEVELOPMENT ACTION GRANT APPLICATIONS FROM CONSORTIA OF SMALL CITIES (CPD-6-87; FR2381)

Legal Authority: 42 USC 5318

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The Housing and Urban-Rural Recovery Act of 1983 permits consortia of small cities to apply for UDAG funds. This would allow geographically proximate small communities to apply jointly for funds to deal with common economic development problems beyond the administrative or financial capacities of any one of the communities.

Timetable:

Action	Date	FR Cite
NPRM	08/12/88	53 FR 30442
NPRM Comment Period End	10/11/88	53 FR 30442
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Stanley Newman, Director, Office of Urban Development, Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6290

RIN: 2506–AA76

1019. SECRETARY'S DISCRETIONARY FUND - WORK STUDY PROGRAM (CPD-4-88; FR-2475) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 107

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: The proposed rule would implement section 501(b)(2) of the Housing and Community Development Act of 1987 under which HUD would use amounts set aside for the Secretary's Discretionary Fund for grants to institutions of higher education for the purposes of providing assistance to economically disadvantaged and minority students who participate on community development work-study programs.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31224
NPRM Comment Period End	10/17/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Turk, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506–AA81

1020. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed rule would revise the Community Development Block Grants Program rules 24 CFR Part 570 as necessary to implement certain changes made in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988). The proposed rule will mainly address those changes to the entitlement program that could not be included in the related rule in FR-1877. The proposed rule would also add the payment of special assessments to the list of eligible activities under the CDBG program as permitted by the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989 (PL 100 - 404, approved August 19, 1988).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AA84

1021. URBAN HOMESTEADING SELECTION PROCEDURES AND ELIGIBILITY FOR DISCRETIONARY FUND TECHNICAL ASSISTANCE (CPD-1-88; FR-2461)

Significance: Agency Priority

Legal Authority: 12 USC 1706e

CFR Citation: 24 CFR 590

Legal Deadline: None

Abstract: This rule would establish new selection procedures for urban homesteading programs and would make urban homesteading eligible for technical assistance from the Secretary's Discretionary Fund. This rule would also permit States and units of government to transfer urban homesteading property under the regular homesteading program and the State/local Demonstration Program to a qualified community organization that would carry out the functions of the State or unit of government.

HUD—CPD **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Burk, Dir., Rehabilitation Loans & Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5327

RIN: 2506–AA79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Final Rule Stage

1022. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA55

1023. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment Period End	12/04/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506–AA66

1024. CONSERVING NEIGHBORHOODS BY PROHIBITING DISPLACEMENT (CPD-3-88; FR-2474) 1987 HCD ACT

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: Other, Statutory, October 1988.
The program will take effect on 10/00/88 under section 509(b) of the 1987 Act.

Abstract: This interim rule implements section 509 of the Housing and Community Development Act of 1987 which requires an antidisplacement program as a condition to CPDG or UDAG amount.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 31234
Interim Final Rule Comments Due	10/17/88	53 FR 31234
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Div., Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506–AA82

1025. ● IMPLEMENTATION OF PROHIBITION ON USE OF UDAG GRANTS FOR BUSINESS RELOCATION (CPD-6-88; FR-2500)

Legal Authority: PL 100-242, Sec 16

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: This rule amends the regulations governing Urban Development Action Grants by revising, and adding new text to, existing provisions pertaining to prohibitions on the use of UDAG for business relocations. This proposal (1) elaborates on the existing prohibition on the use of UDAG funds for speculative projects intended to facilitate the relocation of business from one are to another to incorporate existing HUD policies regarding this prohibition, and (2) implements statutory amendments which additionally prohibit the use of UDAG funds for projects with identified intended occupants where the project is likely to facilitate the relocation of businesses from one area to another.

HUD—CPD

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17724
NPRM Comment Period End	06/17/88	53 FR 17724
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley Newman, Director, Urban Development Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6290

RIN: 2506–AA86

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

1026. RENTAL REHABILITATION GRANTS (CPD-2-88; FR-2472)

CFR Citation: 24 CFR 511.1; 24 CFR 511.3; 24 CFR 511.4; 24 CFR 511.10; 24 CFR 511.20

Completed:

Reason	Date	FR Cite
Final Action	07/06/88	53 FR 25462
Final Action Effective	09/12/88	53 FR 25462

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Mary Ann Kolesar 202 755-5970

RIN: 2506–AA80

1027. ● RENTAL REHABILITATION PROGRAM; REALLOCATION OF RENTAL REHABILITATION GRANT AMOUNTS (CPD-7-88; FR-2530)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 511.33

Legal Deadline: None

Abstract: Under 24 CFR 511.33(b), a Rental Rehabilitation grantee may receive reallocated funds in an amount not exceeding 30 percent of the cumulative amount initially obligated to the grantee for the current fiscal year and for any preceding fiscal year for which rehabilitation grant amounts remain available for obligation. This final rule eliminates this administratively established ceiling on the maximum amount of additional rental rehabilitation grant funds an existing grantee can receive through the program's "reallocation" process.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	53 FR 28990
Final Action Effective	09/26/88	53 FR 28990

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Kolesar, Director, Rehabilitation Management, Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA85

1028. COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS (CPD-6-84; FR-1895)

Significance: Regulatory Program

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	09/06/88	53 FR 34416

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman 202 755-9267

RIN: 2506–AA47

1029. COMMUNITY DEVELOPMENT BLOCK GRANTS, URBAN DEVELOPMENT ACTION GRANTS (CPD-9-86; FR-2449)

Significance: Regulatory Program

CFR Citation: 24 CFR 570.450 to 465

Completed:

Reason	Date	FR Cite
Final Action	08/29/88	53 FR 33026
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Michael McMahon 202 755-8227

RIN: 2506–AA72

1030. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84; FR-2102)

Significance: Regulatory Program

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Completed:

Reason	Date	FR Cite
Withdrawn	07/21/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Leroy P. Gonnella 202 755-6092

RIN: 2506–AA58

1031. EMERGENCY SHELTER GRANTS ('87 ACT) (CPD-7-87; FR2387)

Significance: Regulatory Program

CFR Citation: 24 CFR 576

Completed:

Reason	Date	FR Cite
Final Action	08/10/88	53 FR 30186
Final Action Effective	10/06/88	53 FR 30186

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Don I. Patch 202 755-6587

RIN: 2506–AA77

1032. ● ENTERPRISE ZONE DEVELOPMENT (CPD-11-83; FR-1913)

Significance: Regulatory Program

Legal Authority: 42 USC 11501 to 11505

CFR Citation: 24 CFR 596

Legal Deadline: None

HUD—CPD **Completed Actions**

Abstract: This final rule implements Title VII (Enterprise Zone Development) of the Housing and Community Development Act of 1987 (Pub. L. 100-242). This Title authorizes the Secretary of the Department of Housing and Urban Development (HUD) to designate not more than 100 zones based entirely on rank order of distress. The Secretary is authorized to waive HUD regulations, promote coordination and expedite consideration of all HUD programs within the designated zones.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20556
NPRM Comment Period End	07/05/88	53 FR 20556
Final Action	08/16/88	53 FR 30944

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael T. Savage, Deputy Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6588

RIN: 2506–AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Proposed Rule Stage

1033. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503–AA03

1034. GNMA FEES (GNMA-1-87; FR2395)

Legal Authority: 00 USC 0000

CFR Citation: 24 CFR 390.17

Legal Deadline: None

Abstract: This proposed rule would revise the regulations in accordance with Pub. L. 100-14 relating to the charges and fees that GNMA may charge for its guaranty of mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2503–AA05

1035. ● GNMA MORTGAGE-BACKED SECURITIES (GNMA-1-88; FR-2548)

Legal Authority: 42 USC 3535

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: Rule proposes to increase net worth eligibility requirements for issuers of mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert P. Kalish, Vice President, Office of Mortgage Finance, Department of Housing and Urban Development, Government National Mortgage Association, 202 755-5593

RIN: 2503–AA06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1036. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Enzel, Attorney, Department of Housing and

Urban Development, Office of the General Counsel, **202 755-6207**

RIN: 2529–AA28

1037. ● PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 810 OF THE FAIR HOUSING ACT (FHEO-5-88; FR-2563)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 105

Legal Deadline: None

Abstract: This rule would implement the procedures for the enforcement of fair housing as enacted in the Fair Housing Amendments Act of 1988. The rule would revise Part 105 and would add more specific descriptions of the procedures used to investigate/conciliate fair housing complaints, prepare reasonable cause determinations and prepare for administrative hearings before Administrative Law Judges or Federal District Courts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Laurence Pearl, Director, Office of Program Standard, and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5288**

RIN: 2529–AA40

1038. REDESIGN FOR FAIR HOUSING ASSISTANCE PROGRAM (FHEO-2-87; FR-2403)

Significance: Regulatory Program

Legal Authority: 42 USC 3601-9

CFR Citation: 24 CFR 111

Legal Deadline: None

Abstract: This rule will change the current funding mechanism of the Fair Housing Assistance Program (FHAP) from a dual noncompetitive and competitive system to a single comprehensive noncompetitive funding mechanism. The new system will allow the same disbursement of 5 million dollars to substantially equivalent agencies. The FHAP agencies will be funded for cases processed and other eligible activities.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34668
NPRM Comment Period End	10/07/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Maxine Cunningham, Director, Federal, State & Local Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-0455**

RIN: 2529–AA33

1039. RECOGNITION OF JURISDICTIONS WITH SUBSTANTIALLY EQUIVALENT FAIR HOUSING LAWS (FHEO-1-88)

Legal Authority: 42 USC 3610; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None

Abstract: Some of the sections in this Regulation need to be changed to add definitions, set out specific issues and examples that qualify as acceptable/unacceptable under the rule; and clarify time frames. The proposed revisions will make application and recognition procedures easier for the Department relative to implementation. Agencies currently recognized will not be affected. However, agencies in the interim recognition stage may be affected.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
NPRM Comment Period End	09/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: 919 General Government, Not Elsewhere Classified

Agency Contact: Wagner Jackson, Acting Director, Office of Fair Housing, Enforcement & Sec. 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-6636**

RIN: 2529–AA31

1040. ● COMMUNITY HOUSING RESOURCE BOARD PROGRAM (FH&EO-4-88; FR-2561)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 120

Legal Deadline: None

Abstract: This rule implements the Community Housing Resource Board Grant Program. Under this program HUD fulfills its contractual agreement to provide technical assistance to local real estate boards in achieving VAMA goals by supporting projects that improve Resource Board performance and increase their ability to effectively plan, finance, and carry out activities to assist signatory real estate boards in fully implementing the provisions of the VAMA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Florence Maultsby, Director, Office of Voluntary Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-7007**

RIN: 2529–AA39

1041. FAIR HOUSING - COORDINATION OF EXECUTIVE AGENCY AND REGULATORY AGENCY AFFIRMATIVE ADMINISTRATION OF PROGRAMS IN CONNECTION WITH HUD (FH&EO-1-88; FR-2480)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 125

Legal Deadline: None

Abstract: The Fair Housing Law, Title VIII of the Civil Rights Act of 1968, charges the Secretary with the responsibility for the administration and enforcement of Title VIII. Section 808 of Title VIII requires the Secretary to administer programs and activities relating to housing and urban

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development in a manner affirmatively to further fair housing. All other Executive Agencies are required to administer programs relating to housing and urban development in a manner affirmatively to further fair housing and to cooperate with the Secretary in further fair goal of fair housing. In December 1980, Executive Order 12259 was issued to assure interagency coordination and consistent and effective implementation of Section 808. The Order reemphasizes the mandate of Tie VIII, I, stipulates the Secretary's leadership and coordination role and states the responsibilities of all Executive Agencies; includes Regulatory Agencies, in connection with the preparation and implementation of rules, regulations and procedures. The time has come to publish a rule for comment. A proposed rule in 1981 failed to be published.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wagner D. Jackson, Acting Director, Office of Fair Housing, Enforcement and Sec. 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6836

RIN: 2529–AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Fair Housing and Equal Opportunity (FHEO)

1042. THE FAIR HOUSING INITIATIVES PROGRAM (FH&EO-2-88; FR-2486) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 561

CFR Citation: 24 CFR 125

Legal Deadline: Final, Statutory, 00/00/00.
In addition to regular Congressional review, the authorizing legislation requires that effective date of final rule can not occur prior to 90 days after rule is submitted to Congress and

Abstract: The regulation describes the method by which HUD will fund fair housing enforcement activities in the fair housing initiatives program (FHIP).

The regulation also describes the guidelines for the conduct of a two fair housing testing demonstration in the private enforcement initiative of FHIP as required by the legislation.

Timetable:

Action	Date	FR Cite
NPRM	07/07/88	53 FR 25576
NPRM Comment Period End	08/08/88	53 FR 25576
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harry L. Carey, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5570

RIN: 2529–AA37

1043. ● CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SEC. 504 OF THE REHAB ACT AND OTHER AUTHORITIES (FH&EO-3-88; FR-2531)

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: Conforming HUD rules to comply with Sec. 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ardinger, Program Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5404

RIN: 2529–AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Fair Housing and Equal Opportunity (FHEO)

1044. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

CFR Citation: 24 CFR 8

Completed:

Reason	Date	FR Cite
Final Action	06/02/88	53 FR 20216
Final Action Effective	07/11/88	53 FR 20216

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David Enzel 202 755-6207

RIN: 2529–AA26

1045. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR 2012)

Significance: Regulatory Program

CFR Citation: 24 CFR 105

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Completed:

Reason	Date	FR Cite
Final Action	06/28/88	53 FR 24184
Final Action Effective	10/01/88	53 FR 24184

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein 202 755-5570

RIN: 2529–AA24

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Prerule Stage
Office of Administration (OA)

1046. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Albert M. Miller, Deputy Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-6310**

RIN: 2535–AA01

1047. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: 42 USC 3535(d); 42 USC 6962

CFR Citation: 24 CFR 570; 24 CFR 207

Legal Deadline: None

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, **202 755-5294**

RIN: 2535–AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Office of Administration (OA)

1048. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA16

1049. OMB CIR. A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR-2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This proposed rule would follow a government-wide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward L. Girovasi, Jr., Director, Policy & Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA15

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Administration (OA)

1050. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Legal Deadline: None

Abstract: The rule adds Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46560
NPRM Comment Period End	02/08/88	52 FR 46560
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gladyes Gines, Deputy Director, Policy & Evaluation, Divisioin, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535–AA10

1051. ● REVISIONS OF HUDAR TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR-2534)

Legal Authority: 42 USC 3535

CFR Citation: 48 CFR 2401; 48 CFR 2402

Legal Deadline: None

Abstract: Rule to amend HUDAR to clarify circumstances under which GNMA may exercise its "statutory procurement authority" without regard to FAR or FIRMR. The rule will direct that all HUD procurement policy regulations and procedures are the responsibility of the Assistant Secretary for Administration except transactions between GNMA and issuers of mortgage-backed securities in furtherance of GNMA's guaranty of such securities.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gladys Gines, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535–AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Public and Indian Housing (PIH)

1052. ECONOMIC RENT IN PUBLIC HOUSING PROJECTS (P-4-88; FR-2462) 1987 HCD ACT

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This policy would permit PHAs to establish monthly ceiling rents for a period of three years and IHAs for an unlimited time period of amounts determined by the PHAs and IHAs to be appropriate but not to exceed certain statutory limitations.

Timetable:

Action	Date	FR Cite
Policy Statement	10/00/88	
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA57

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1053. LIMITATION ON PUBLIC HOUSING DEVELOPMENT (P-6-88; FR-2464) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437c; 42 USC 1437d; PL 100-242, Sec 103(a)&(b)

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would impose limitations on the use of public housing funds for development purposes for fiscal years beginning with fiscal year 1988. This rule would also require that (1) HUD enter into a contract involving new construction only if the PHA demonstrates to HUD's satisfaction that the cost of new construction is less than the cost of acquisition and rehabilitation and (2) the area for making this determination is the neighborhood where the PHA determines that the housing is needed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA59

1054. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-10-88; FR2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates for public housing maintenance employees under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Justin Logsdon, Assistant to the Secretary for Labor, Relations, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2577–AA68

1055. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Legal Deadline: None

Abstract: This rule would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers and to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, 202 755-6713

RIN: 2577–AA34

1056. ● ESTABLISHMENT OF PREFERENCE FOR ELDERLY AND NEAR ELDERLY FAMILIES (P-13-88; FR-2505)

Legal Authority: 42 USC 1437a; PL 100-242, Sec 111

CFR Citation: 24 CFR 905; 24 CFR 960

Legal Deadline: None

Abstract: This rule would establish a preference for elderly families in projects or building designated for the elderly and a discretionary preference for "near elderly" families to be used when a PHA determines, in accordance with HUD regulations, that there are more vacant units than needed in an elderly project or building to meet the demand for units occupied by the elderly.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577–AA69

1057. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and are within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577–AA07

1058. DECONTROL OF PUBLIC HOUSING AUTHORITIES; CIAP DEVELOPMENT (P-5-87; FR-2408)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 968.12(i); 24 CFR 968.15

Legal Deadline: None

Abstract: This rule change to Part 968 would allow for PHAs who qualify as Recognized Performers to certify compliance with HUD requirements instead of obtaining HUD approval in two areas: management improvement contracts and line item budget revisions. Recognized Performers would still be required to include all elements of the appropriate certification specified in the rule, and to maintain the certification in their files.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy S. Chisholm, Director, Policy Staff, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA48

1059. MODERNIZATION GRANT PROGRAM (P-8-88; FR-2488)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 119

CFR Citation: 24 CFR 968

Legal Deadline: None

Abstract: Section 119 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) begins a two-part legislative process designed to develop an improved means of allocating funds for the modernization of public housing for PHAs that own or operate a total of 500 or more units.

Section 119 contemplates the adoption, by the Congress, of a follow-up statute providing for a revised method for allocating assistance under the new program. Until this additional legislation is approved, HUD's current method of allocating funds will continue in effect.

The Department will develop procedural rules to govern administration of the new Modernization Grant Program (MGP) under the new system outlined in section 119, and will publish proposed rules on the subject. The proposed rule will also propose simplifying changes to the current CIAP program and limit it to PHAs that own or operate fewer than 500 units.

After a new statutory formula is adopted, the Department will publish a final rule linking the statutory allocation (CONT)

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: method with the previously proposed procedural rule, so that the Modernization Grant concept can be put into operation as promptly as possible.

Final action dependent on Congressional adoption of Modernization formula revisions to be submitted by HUD in 1988.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA66

1060. ● COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM–SPECIAL PURPOSE MODERNIZATION (P-18-88; FR-2545)

Significance: Agency Priority

Legal Authority: 42 USC 1437l

CFR Citation: 24 CFR 968

Legal Deadline: None

Abstract: This rule would amend the existing Comprehensive Improvement Assistance Program (CIAP) regulation to make changes in "special purpose modernization", reflecting statutory amendments contained in Section 121 of the Housing and Community Development Act of 1987, and related changes. The existing rule restricts eligible work items to physical improvements for cost-effective energy conservation. The proposed rule would add four additional special purpose work items, physical improvements for replacing or repairing major equipment systems or structural elements; upgrading security; increasing accessibility for the elderly and handicapped; and reducing the number of vacant, substandard units. Special purpose funding would, however, be limited to work which is necessary and sufficient to extend substantially the useful life of the project. The rule will also permit HUD to set aside up to 20 percent of available CIAP funds for special purpose use.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA72

1061. PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipts within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Office of Policy & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA49

1062. ● PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT)–FORMAL REVIEW PROCESS ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This rule would implement section 118(a) and 118(d). Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs to obtain a change in allowable expense level to correct inequities in the original base year expense level, to correct for changes in operating circumstances and to reflect the level of economic distress of the locality. Section 118(d) also provides for sharing of the savings between a PHA and HUD for energy conservation improvements, and for

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preservation of subsidy when several units are rehabilitated and combined into fewer units.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA71

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Final Rule Stage

1063. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule would establish procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition, this rule would require that HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule would also require HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs would be prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA58

1064. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437n

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would establish admission procedures which set differing percentage limitations on admission of lower income families in separate assisted housing programs that when aggregated will achieve the overall 5 percent limitation on occupancy under public housing annual contribution contracts and section 8 housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15412
NPRM Comment Period End	05/31/88	53 FR 15412
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA60

1065. ● INDIAN HOUSING ACT OF 1988 (P-16-88; FR-2538)

Legal Authority: PL 100-358

CFR Citation: 24 CFR 813; 24 CFR 905; 24 CFR 913; 24 CFR 942

Legal Deadline: Final, Statutory, September 26, 1988.

Abstract: This final rule will implement all of the provisions of the Indian Housing Act except for the new Self-Help program. It will provide for Indian preference for eligibility on reservations and in Indian areas. The number of non-lower income Indians to be housed in any project is to be limited to the higher of 10 percent or 5 units. The mutual help contribution must be at least $1500. In determining adjusted income, IHAs will exclude excessive work or educational travel expenses up to $25 per week if that amount is higher than child care expenses. The rule will also make Part 942 concerning pet ownership in projects for the elderly or handicapped inapplicable to Indian housing.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/88	53 FR 37494
Interim Final Rule Effective Date	09/26/88	
Interim Final Rule Public Comment Period End	11/25/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577–AA70

HUD—PIH **Final Rule Stage**

1066. INDIAN HOUSING PROGRAM—REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will constitute a consolidation of relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory authority governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-1015**

RIN: 2577–AA32

1067. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Legal Deadline: None

Abstract: This rule will amend Public housing development regulations to reflect the repeal of Sec. 6(b) of the United States Housing Act. Sec. 6(b) limits on dwelling construction and equipment cost for the different areas of the country. The rule will also amend these regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/24/86	51 FR 33904
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA37

1068. ● SELF-HELP HOMEOWNERSHIP PROGRAM (P-17-88; FR-2544)

Significance: Agency Priority

Legal Authority: PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: Final, Statutory, September 26, 1988.
The rule must be effective by September 26, 1988

Abstract: The Indian Housing Act of 1988 requires HUD to establish a self-help housing program within the Mutual Help Homeownership Opportunity Program. The statute requires the self-help program to be modeled on the Farmers Home Administration self-help program with respect to labor contribution and with respect to technical and supervisory assistance. The statute also requires HUD to allow any Indian housing authority to apply for participation in the new program. This interim rule will fulfill the statutory requirements providing for groups of 4-10 families to cooperate in constructing their homes in return for a reduced purchase price.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/88	53 FR 37503
Interim Final Rule Effective Date	09/26/88	
Interim Final Rule Public Comment Period End	11/25/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-1015**

RIN: 2577–AA74

1069. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from master metered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6649**

RIN: 2577–AA27

1070. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This rule amends Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be

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treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38470
NPRM Comment Period End	12/04/87	52 FR 38470

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6640

RIN: 2577–AA40

1071. CHANGE IN CONSOLIDATED SUPPLY PROGRAM (CSP) (P-11-88; FR2482)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1427g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: This rule proposes to remove the requirement to use purchase agreements for buying supplies with a value not in excess of the Open Market Purchase Limitation (currently $10,000).

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25348
NPRM Comment Period End	09/06/88	53 FR 25348
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael E. Diggs, Chief, Consolidation Supply & Procurement, Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 472-4703

RIN: 2577–AA67

1072. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 905

Legal Deadline: None

Abstract: This rule would amend the Comprehensive Improvement Assistance Program and the Indian Housing Program regulations to reflect the repeal of Section 6(b) of the United States Housing Act. Section 6(b) limits dwelling construction and equipment costs for various areas of the country. This rule will also amend the regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4349
NPRM Comment Period End	04/13/87	52 FR 4349
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: This proposed rule was split off from FR-2191.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA43

1073. REVISION TO PFS - INSURANCE COSTS (P-2-88; FR-2437) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: Section 118 of the Housing and Community Development Act of 1987 requires that HUD revise the PFS "to accurately reflect the increase in insurance costs incurred by (PHAs)."

This rule implements section 118 by increasing the Allowable Expense Level of all PHAs/IHAs by $8.43 to reflect the recent increases in the costs of risk protection coverage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/88	53 FR 25152
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Policy Staff, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA56

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Completed Actions

1074. PREEMPTION OF CERTAIN STATE-DETERMINED PREVAILING WAGE RATES APPLICABLE TO PUBLIC AND INDIAN HOUSING PROJECTS (P-6-86; FR-2231)

CFR Citation: 24 CFR 905.211

Completed:

Reason	Date	FR Cite
Final Action	08/10/88	53 FR 30206
Final Action Effective	10/06/88	53 FR 30206

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Justin Logsdon 202 755-5370

RIN: 2577–AA42

1075. PUBLIC HOUSING HOMEOWNERSHIP (P-9-88; FR-2489) 1987 HCD ACT

Significance: Regulatory Program

CFR Citation: 24 CFR 905; 24 CFR 965; 24 CFR 967

Completed:

Reason	Date	FR Cite
Withdrawn	08/24/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA65

1076. PUBLIC HOUSING -- TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

CFR Citation: 24 CFR 960; 24 CFR 966

Completed:

Reason	Date	FR Cite
Final Action	08/30/88	53 FR 33216

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple 202 426-0744

RIN: 2577–AA18

1077. ● TENANT MANAGEMENT IN PUBLIC HOUSING (P-14-88; FR-2519)

Legal Authority: 42 USC 1437r

CFR Citation: 24 CFR 964

Legal Deadline: None

Abstract: This rule establishes a new program of resident management of public housing. Under the program, resident councils that represents public housing residents could approve the formation of a resident management corporation. A qualifying resident management corporation could enter into a management contract with the public housing agency (PHA) establishing the respective management rights and responsibilities of the PHA and corporation with respect to the public housing management involved. The program will give PHAs and resident management corporations wide latitude in establishing their respective roles and relationship under the contract.

Timetable:

Action	Date	FR Cite
NPRM	07/05/88	53 FR 25276
NPRM Comment Period End	08/04/88	53 FR 25276
Final Action	09/07/88	53 FR 34676

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA73

1078. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM: MULTI-STAGE FUNDING (P-1-88; FR-2415)

CFR Citation: 24 CFR 968.5(g)

Completed:

Reason	Date	FR Cite
Final Action	05/02/88	53 FR 15551
Final Action Effective	06/16/88	53 FR 15551

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA55

1079. EFFECTS OF DEBT FORGIVENESS ON PUBLIC HOUSING AGENCY ANNUAL CONTRIBUTIONS CONTRACTS (P-6-87; FR-2409)

Significance: Regulatory Program

CFR Citation: 24 CFR 969; 24 CFR 970

Completed:

Reason	Date	FR Cite
Final Action	10/17/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Robert Kenison 202 426-5212

RIN: 2577–AA51

[FR Doc. 88-20663 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II, IV and VII

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43 CFR Subtitle A, Chs. I and II

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50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1988 and April 1989. An agenda is required by Executive Order 12291 and the Regulatory Flexibility Act.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Improvement, Department of the Interior, 18th and C Streets, NW., MIB-2242, Washington, DC 20240, or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1988-89 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government which is published by the Office of Management and Budget.

Dated: August 22, 1988.

Rick Ventura,

Assistant Secretary, Policy, Budget and Administration.

Assistant Secretary for Policy, Budget, and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1080	Natural Resource Damage Assessments	1090-AA21

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1081	Natural Resource Damage Assessments	1090-AA22
1082	Natural Resource Damage Assessments	1090-AA23
1083	Department of the Interior, Nonprocurement Debarment and Suspension Regulation	1090-AA24
1084	Certification of Non-Delinquency by Applicants for Federal Financial Assistance	1090-AA25
1085	Department of the Interior Acquisition Regulation	1090-AA14

Assistant Secretary for Policy, Budget, and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1086	Department of the Interior, Procurement Ethics Regulation	1090-AA15
1087	Department of the Interior Acquisition Regulation	1090-AA13

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Assistant Secretary for Policy, Budget, and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1088	Department of the Interior - Nonprocurement Debarment and Suspension Regulation	1090-AA12
1089	Certification of Non-Delinquency by Applicants for Federal Financial Assistance	1090-AA19
1090	Department of the Interior Acquisition Regulation	1090-AA10

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1091	Practices Before the Department	1092-AA00

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1092	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02

Office for Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1093	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1091-AA00

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1094	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1095	Department Hearings and Appeals Procedures	1094-AA26
1096	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31
1097	Burden of Proof in Civil Penalty Proceedings	1094-AA33
1098	Amendment of Regulation Establishing Age at Which an Indian Can Execute a Will Devising Trust or Restricted Property	1094-AA35
1099	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30

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Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1100	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA28
1101	Commencement of Probate Anti-Lapse Provisions	1094-AA36
1102	Tribal Acquisition of Interests Under Special Statute	1094-AA08
1103	Service of Notice of Appeal and of Other Documents	1094-AA34

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1104	Migratory Bird Hunting	1018-AA24
1105	Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts	1018-AB15

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1106	Humane Transport of Wild Mammals and Birds	1018-AA07
1107	Importation, Exportation, and Transportation of Wildlife	1018-AB20
1108	Injurious Wildlife: Mitten Crabs	1018-AB04
1109	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs	1018-AB13
1110	Captive Bred Wildlife	1018-AB10
1111	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Nashville Crayfish in Tennessee	1018-AB12
1112	Endangered and Threatened Wildlife and Plants; Special Rules for Mammals	1018-AB19
1113	Marine Mammals: Change definition of U.S. Citizen	1018-AB16
1114	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1115	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1116	Refuge-Specific Hunting Regulations	1018-AA71
1117	Refuge-Specific Sport Fishing Regulations	1018-AA50
1118	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
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1120	Endangered and Threatened Wildlife and Plants	1018-AA10
1121	Endangered and Threatened Wildlife and Plants	1018-AA84
1122	Endangered and Threatened Wildlife and Plants	1018-AA85
1123	Endangered and Threatened Wildlife and Plants	1018-AA95
1124	Endangered and Threatened Wildlife and Plants	1018-AA98
1125	Endangered and Threatened Wildlife and Plants	1018-AB02
1126	Endangered and Threatened Wildlife and Plants	1018-AB06
1127	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1128	Endangered and Threatened Wildlife and Plants	1018-AB14
1129	Endangered and Threatened Wildlife and Plants	1018-AB18
1130	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1131	Marine Mammals: Take of Small Numbers Incidental to Specified Activities	1018-AB05
1132	Subsistence Take of Migratory Birds	1018-AA92
1133	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1134	Endangered Species Convention	1018-AA29
1135	Public Entry and Use	1018-AA36

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United States Fish and Wildlife Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1136	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97

United States Fish and Wildlife Service—Completed Actions

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1137	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Yellowfin Madtom in Virginia	1018-AB08
1138	Technical Amendments to the Sea Otter Translocation Regulations	1018-AB17
1139	Marine Mammals: Reporting and Sealing Requirements for Alaska Natives	1018-AA20

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1140	Yosemite National Park; Wawona Zoning Regulations	1024-AB77
1141	Appalachian National Scenic Trail	1024-AB07
1142	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1143	Mammoth Cave NP: Fishing	1024-AA94
1144	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1145	Glen Canyon National Recreation Area: Commercial Operations and Whitewater Boating Regulations	1024-AB72
1146	Sequoia and Kings Canyon National Parks: Fishing Regulations	1024-AB76
1147	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1148	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1149	Minerals Management - Non-Federal Oil and Gas	1024-AB39
1150	Management of Mineral Development Associated with Mining Claims	1024-AB74
1151	Minerals Management: Nonfederal Rights Other Than Oil and Gas	1024-AB75
1152	NPS Units in Alaska: Concessions	1024-AB18
1153	Katmai National Park and Preserve Fishing Regulations	1024-AB78
1154	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1155	Cemetery Sites and Historical Places	1024-AA84

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1156	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1157	Canyon De Chelly National Monument	1024-AB47
1158	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1159	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1160	Everglades NP: Mining	1024-AB10
1161	Lake Chelan NRA: Target Practice	1024-AB19
1162	Ross Lake NRA: Target Practice	1024-AB28
1163	Rocky Mountain National Park: Fishing Regulations	1024-AB46
1164	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1165	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1166	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1167	Whiskeytown Unit, Whiskeytown - Shasta - Trinity NRA Gold Panning Regulations	1024-AB71
1168	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1169	NPS Units in Alaska: Closure Regulations	1024-AA71
1170	Fire Island National Seashore: Zoning	1024-AA80
1171	National Register of Historic Places	1024-AA44
1172	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46

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National Park Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1173	Historic Preservation Certifications Pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986	1024-AB73
1174	Curation of Federally Owned and Administered Archeological Collections	1024-AB13

National Park Service—Completed Actions

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1175	Lake Mead National Recreation Area: Noise Abatement Exemption	1024-AB50
1176	Management of Mining Claim Activities	1024-AB37
1177	National Park Service Acquisition Regulation	1024-AB35

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1178	Procedures for Establishing that an American Indian Group Exists as an Indian Tribe	1076-AC15
1179	The Indian Police	1076-AB98
1180	Small Estates - Osage	1076-AC18
1181	Financial Assistance and Social Services Program	1076-AB99
1182	Financial Assistance and Social Services Program	1076-AC13
1183	Administration of a Program of Employment Assistance for Adult Indians	1076-AA04
1184	School Boards	1076-AC14
1185	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1186	Certificates of Degree of Indian Blood	1076-AC19
1187	Loans to Indians from the Revolving Loan Fund	1076-AC00
1188	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1189	Individual Indian Money Accounts	1076-AB91
1190	Leasing and Permitting	1076-AA29
1191	Roads of the Bureau of Indian Affairs	1076-AB05
1192	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1193	Indian Business Development Program	1076-AA55
1194	Tribal Bingo Management Contracts	1076-AC07

Bureau of Indian Affairs—Final Rule Stage

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1196	Law and Order on Indian Reservations	1076-AA01
1197	Education Personnel	1076-AB02
1198	Administration of the Higher Education Program	1076-AA10
1199	Administration of the Indian Adult Education Programs	1076-AA15
1200	Preparation of Rolls of Indians	1076-AC11
1201	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1202	Revolving Cattle Pool	1076-AC02
1203	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1204	Navajo Grazing Regulations	1076-AA33
1205	Rights-of-Way Over Indian Lands	1076-AB89
1206	San Carlos Indian Irrigation Project, Arizona	1076-AC08
1207	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1208	Leasing of Allotted Lands for Mining	1076-AA39
1209	Oil and Gas Mineral Agreements	1076-AA82

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Bureau of Indian Affairs—Final Rule Stage—Continued

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1210	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AC09
1211	Buy Indian Act Contracting	1076-AA56

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1212	Federal Schools For Indians (Revision)	1076-AB47
1213	The Indian School Equalization Program (New School Starts, Program Expansions, School Closures, Consolidations, and Program Reductions)	1076-AB48
1214	Preparation of a Roll of Alaska Natives	1076-AC12
1215	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina	1076-AB54
1216	Life Estates and Future Interests	1076-AC06
1217	Indian Fishing: Hoopa Valley Indian Reservation	1076-AA83
1218	Contracts Under Indian Self-Determination Act (Subpart H - New School Starts and Program Expansions)	1076-AB49
1219	Small Tribes Governmental Assistance Grant Program	1076-AC10

Minerals Management Service—Proposed Rule Stage

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1221	Revision of Royalty Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts	1010-AB17
1222	Amendment of Regulations, Oil and Gas Transportation Allowances and Gas Processing Allowances	1010-AB18
1223	Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes	1010-AB22
1224	Recoupments and Refunds of Excess Payments Under Federal Offshore Mineral Leases	1010-AB11
1225	Revision of Regulations Governing Appeals	1010-AB13
1226	Air Quality -- Outer Continental Shelf Wide	1010-AB14
1227	Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Subpart O, Training	1010-AB21
1228	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart P, Sulphur Operations	1010-AB23
1229	Air Quality - Offshore California	1010-AA61
1230	Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA82
1231	Mining Operations for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA81

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1232	Valuation of Coal for Royalty Purposes from Federal and Indian Leases	1010-AA83
1233	Amendment of Oil and Gas Royalty Valuation Regulations	1010-AB24
1234	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment	1010-AB19
1235	Supplemental Sales	1010-AB05
1236	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87
1237	Appeals Procedures	1010-AB20

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Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1238	Onshore Production Reporting and Accounting	1010-AB10
1239	Oil and Gas and Sulphur Operations on the Outer Continental Shelf (OCS)	1010-AA53
1240	Prospecting for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA71

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1241	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1242	Permit to Reclaim Rule	1029-AB26
1243	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1244	Interim Program Revisions	1029-AB24
1245	Federal Lands Program	1029-AA76
1246	Definition and Criteria for Valid Existing Rights	1029-AA77
1247	Lands Unsuitable Regulations	1029-AA90
1248	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1249	Approximate Original Contour Variances	1029-AB27
1250	Reprocessing Coal Waste	1029-AB23
1251	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1252	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02
1253	Permanent Program Performance Standards; Surface and Underground Mining Activities; Backfilling and Grading	1029-AA57
1254	Disposal of Excess Spoil on Preexisting Benches	1029-AB18
1255	Assessment Conference Scheduling	1029-AB22
1256	Delinquent Abandoned Mine Land Reclamation Fees	1029-AB21
1257	Abandoned Mine Land Reclamation; State Reclamation Grants	1029-AB13

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1258	Termination of Jurisdiction Under SMCRA	1029-AB07
1259	Permanent Program Performance Standards; Surface and Underground Activities; Roads	1029-AA60
1260	Permanent Regulatory Program Definition of Support Facilities	1029-AA94
1261	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1262	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92
1263	Federal Regulatory Programs; Permit Application Fees	1029-AB15
1264	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1265	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program-Ownership and Control	1029-AA56
1266	Requirements for Permits and Permit Processing; Permit Applications Minimum Requirements for Legal Financial Civil Penalties	1029-AA66
1267	Permanent Regulatory Program - Ownership Information	1029-AA96
1268	Permanent Regulatory Program; Requirements for Permits, Information on Hydrologic Impacts	1029-AB11
1269	Surface Coal Mining Operations; Definition of "In Connection With"	1029-AB08
1270	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities -- Revegetation	1029-AA86
1271	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities - Impoundments	1029-AA79
1272	Special Permanent Program Performance Standards; Operations on Prime Farmland	1029-AA64
1273	Improvidently Issued Permits	1029-AB20
1274	Tennessee Program Amendment; Significant Permit Revisions	1029-AB17

DOI

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1275	Substantial Legal and Financial Commitment	1029-AB01
1276	Permit Processing	1029-AB14
1277	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1278	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Permanent Program Inspection and Enforcement Procedures	1029-AA67
1279	Ten Day Notice Review Criteria	1029-AB12
1280	Collection of AML Fees - Moisture Content of Coal	1029-AB03
1281	California Federal Program	1029-AB05

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1282	Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use	1006-AA18

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1283	Acreage Limitation Rules and Regulations	1006-AA17

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1284	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1285	Exchanges - General Procedures	1004-AB28
1286	Indian Allotments	1004-AB10
1287	Rights-of-Way, Principles and Procedures	1004-AB00
1288	Rights-of-Way, Trespass, and Law Enforcement - Criminal	1004-AB46
1289	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1290	Recreation and Public Purposes Act Leases	1004-AA73
1291	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37
1292	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1293	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1294	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas	1004-AB47
1295	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1296	Geothermal Resource Operations	1004-AB18
1297	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1298	Coal Exploration and Mining Operations Rules	1004-AB44
1299	Management of Existing Leases	1004-AB38
1300	Coal Exploration and Mining Operations Rules	1004-AB42
1301	Operating Regulations for Exploration, Development and Production	1004-AA68
1302	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1303	Mining Claims Under the General Mining Law - Nature and Classes of Mining Claims Assessment Work	1004-AB43
1304	Mining Claims Under the General Mining Laws	1004-AB36
1305	Sales of Forest Products; Conduct of Sales	1004-AB39
1306	Sales of Forest Products; Award of Contract	1004-AB40
1307	Award of Contract; Sales Administration	1004-AB49
1308	Cultural Resource Management	1004-AA69
1309	Paleontology	1004-AA27

DOI

Bureau of Land Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1310	Recreation: General	1004-AA35
1311	Cadastral Survey	1004-AB07
1312	Unauthorized Use of Public Lands	1004-AA38
1313	Law Enforcement, Criminal	1004-AB48

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1314	Land Classification	1004-AB19
1315	Onshore Oil and Gas Operations - Onshore Oil and Gas Order Number 4 - Measurement of Crude Oil	1004-AA96
1316	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1317	Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1318	Onshore Oil and Gas Order No. 5 - Measurement of Natural Gas	1004-AB22
1319	Fees, Rents, and Royalties	1004-AB45
1320	Conduct of Sales (Timber)	1004-AB35
1321	Off-Road Vehicles	1004-AB26

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1322	Public Land Records	1004-AA77
1323	Oil and Gas Leasing and Geothermal Resource Leasing - General	1004-AA97
1324	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing - General	1004-AB13
1325	Oil and Gas Leasing - Fees, Rentals and Royalties	1004-AB31
1326	Oil and Gas Leasing Competitive Leases	1004-AB41
1327	Grazing Administration - Exclusive of Alaska	1004-AB23
1328	Protection of Special Status Plants	1004-AB09
1329	Use Authorizations; Special Recreation Permits	1004-AA36

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1080. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory, March 20, 1989.
42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(A) calls for the promulgation of simplified procedures for coastal and marine environments through the use of a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). Section 301(c)(3) of CERCLA requires the biennial review of these natural resource damage assessment regulations. Since type A regulations were published as a final rule with an effective date of April 20, 1987, the Department will issue an advance notice of proposed rulemaking (ANPRM). This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type A procedures to advise the Department of areas where revisions to the type A procedures may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

DOI—ASPBA **Prerule Stage**

Agency Contact: Bruce Blanchard, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, MIB, 1801 C Street, NW, Washington, DC 20240, 202 343-3891

RIN: 1090–AA21

DEPARTMENT OF THE INTERIOR (DOI)
Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Proposed Rule Stage

1081. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory, September 1, 1988.
42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. Section 301(c)(3) of CERCLA requires the biennial review of these natural resource damage assessment regulations. Since the general process and type B regulations were published as a final rule with an effective date of September 1, 1986, the Department will issue an advance notice of proposed rulemaking. This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures, and the general assessment process, to advise the Department of areas where revisions to the process and the type B procedures may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/88	53 FR 15714
ANPRM Comment Period End	07/05/88	53 FR 15714
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bruce Blanchard, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, 1801 C St., NW, Washington, DC 20240, 202 343-3891

RIN: 1090–AA22

1082. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: The Department has promulgated regulations, codified at 43 CFR Part 11, for the assessment of damages to natural resources injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. The regulations provide two types of assessment procedures: simplified procedures requiring minimal field investigation, referred to as the type A procedures; and alternative protocols for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The type A procedures that have been developed are for use in coastal and marine environments. The Department has stated that, when possible, it would develop additional type A procedures for other environments or natural resources. An advance notice of proposed rulemaking (ANPRM) will be issued by the Department. This ANPRM will solicit suggestions and supporting technical information for possible development of other type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/88	53 FR 20143
ANPRM Comment Period End	07/18/88	53 FR 20143
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bruce Blanchard, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, 1801 C St., NW, Washington, DC 20240, 202 343-3891

RIN: 1090–AA23

1083. ● DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section .110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/29/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jerry B. Vance, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-8668

RIN: 1090–AA24

1084. ● CERTIFICATION OF NON-DELINQUENCY BY APPLICANTS FOR FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 31 USC 3511; 31 USC 3512; 31 USC 3302; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes a regulation requiring the use of an application form which includes a question to be answered "yes" or "no" regarding whether the applicant is delinquent on any Federal debt. The Department has withdrawn the Notice of Proposed Rulemaking published on May 11, 1988, because subsequent guidance from the Office of Management and Budget conflicted with the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry B. Vance, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-8668

RIN: 1090–AA25

1085. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Opdyke, Acting Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA14

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Final Rule Stage

1086. DEPARTMENT OF THE INTERIOR, PROCUREMENT ETHICS REGULATION

Legal Authority: 5 USC 301; EO 11222; 43 CFR 20.735

CFR Citation: 48 CFR 1401; 48 CFR 1403; 48 CFR 1415; 48 CFR 1453

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes to provide implementing regulations in the Department of the Interior Acquisition Regulation for EO 11222 governing ethics conduct for Government employees. The proposed rule would also provide a special code of conduct for employees with procurement responsibilities in accordance with 43 CFR 20.735-2(h).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17086
NPRM Comment Period End	07/12/88	53 FR 17086
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William S. Opdyke, Chief, Division of Acquisition and Assistance, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA15

1087. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48301
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Opdyke, Acting Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA13

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1088. DEPARTMENT OF THE INTERIOR - NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: 5 USC 301; EO 12549

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes common regulations implementing the Office of Management and Budget guidelines which prescribe the scope, government criteria, minimum due process procedures, and other guidance for a system for nonprocurement debarment or suspension of a nonprocurement program participant and will have governmentwide effect.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39042
NPRM Comment Period End	12/21/87	52 FR 39042
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	53 FR 19161

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Colonel C. Armstrong, Deputy Director, Office of Acquisition & Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Washington, DC 20240, 202 343-6431

RIN: 1090–AA12

1089. CERTIFICATION OF NON-DELINQUENCY BY APPLICANTS FOR FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 31 USC 3511; 31 USC 3512; 31 USC 3302; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This Notice of Proposed Rulemaking proposes a regulation requiring that a certification of nondelinquency be included in applications for Federal financial assistance. This proposed regulation will implement Paragraph 6 of Office of Management and Budget Circular A-129, "Managing Federal Credit Programs."

Timetable:

Action	Date	FR Cite
NPRM	05/11/88	53 FR 16733
NPRM Comment Period End	07/11/88	53 FR 16733
Withdrawn -- revised OMB guidance requires issuance of new NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Opdyke, Acting Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA19

1090. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, PL 98-577.

Timetable:

Action	Date	FR Cite
Withdrawn -- FAR coverage has not been issued yet	07/20/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William S. Opdyke, Acting Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA10

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Office of the Solicitor (OSOL)

1091. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: January 1981.

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092–AA00

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1092. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17, Subpart D

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI).

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin C. Fowler, Supv. Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, Washington, DC 20240, 202 343-3455

RIN: 1091–AA02

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

1093. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None

Abstract: This rule will set forth guidelines for nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	10/21/87	52 FR 39243
NPRM Comment Period End	11/20/87	52 FR 39243
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Sectors Affected: None

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-3455

RIN: 1091–AA00

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1094. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA25

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1095. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None

Abstract: Rulemaking is being proposed to make express provision for in camera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20755
NPRM Comment Period End	07/06/87	52 FR 20755
Final Action	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094–AA26

1096. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43009
NPRM Comment Period End	01/05/88	52 FR 43009
Final Action	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Kathryn Lynn, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3816**

RIN: 1094–AA31

1097. BURDEN OF PROOF IN CIVIL PENALTY PROCEEDINGS

Legal Authority: 30 USC 1268; 5 USC 301

CFR Citation: 43 CFR 4.1155

Legal Deadline: None

Abstract: The proposed amendment of 43 CFR 4.1155 would correct the allocation of the ultimate burden of persuasion as to the fact of a violation in a civil penalty proceeding under section 518 of the Surface Mining Control and Reclamation Act of 1977 by changing it from the Office of Surface Mining Reclamation and Enforcement to the person who petitions for review of the civil penalty.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	52 FR 38246
NPRM Comment Period End	11/16/87	52 FR 38246
Final Action	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA33

1098. AMENDMENT OF REGULATION ESTABLISHING AGE AT WHICH AN INDIAN CAN EXECUTE A WILL DEVISING TRUST OR RESTRICTED PROPERTY

Legal Authority: 25 USC 373

CFR Citation: 43 CFR 4.260

Legal Deadline: None

Abstract: The amendment to the regulation will reflect the congressional determination to reduce from 21 to 18 the age at which an Indian can execute a will devising trust or restricted property. The amendment is contained in section 2 of the Act of Nov. 5, 1987, 101 Stat. 886, PL 100-153.

Timetable:

Action	Date	FR Cite
Final Action	10/01/88	
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Parlen McKenna, Chief Administrative Law Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3800**

RIN: 1094–AA35

1099. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 38950
NPRM Comment Period End	11/19/87	52 FR 38950
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA30

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1100. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None

Abstract: Regulations will be proposed to add procedures for the assessment of individual civil penalties under 30 USC 1268(f).

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46846
NPRM Comment Period End	02/23/87	51 FR 46846
Final Action	03/17/88	53 FR 8752
Final Action Effective	04/18/88	53 FR 8752

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA28

1101. ● COMMENCEMENT OF PROBATE ANTI-LAPSE PROVISIONS

Legal Authority: 36 Stat. 855-856, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 373a; 25 USC 373b; 25 USC 374

CFR Citation: 43 CFR 4.210; 43 CFR 4.261

Legal Deadline: None

Abstract: This office proposes to make two amendments to its regulations concerning the probate of the estates of Indians who died possessed of property in Indian trust or restricted status. The first proposed amendment would clarify the kinds of evidence acceptable to establish death. The second proposed amendment would broaden the present regulation providing alternate devisees or legatees when an individual named in an Indian will predeceases the testator.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23291
NPRM Comment Period End	07/21/88	53 FR 23291
Final Action	10/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Parlen McKenna, Chief Administrative Law Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3800

RIN: 1094–AA36

1102. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
No further action to be taken at this time	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Parlen L. McKenna, Chief Administrative Law Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3800

RIN: 1094–AA08

1103. SERVICE OF NOTICE OF APPEAL AND OF OTHER DOCUMENTS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Legal Deadline: None

Abstract: The rulemaking revises the existing rule to clarify and update procedural requirements for service by appellants of a notice of appeal and of other documents upon counsel who may represent the Government as a party in appeal proceedings before the Interior Board of Land Appeals. The outdated reference in the existing rule for service of appeals documents upon the Director of the U.S. Geological Survey is removed.

Timetable:

Action	Date	FR Cite
Final Action	04/22/88	53 FR 13266
Final Action Effective	06/21/88	53 FR 13266

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Patton, Special Counsel to the Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094–AA34

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Prerule Stage

1104. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting

regulations for the 1988-89 season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/89	
NPRM	06/00/89	
Final Action	09/00/89	
1988-89 final frameworks for early seasons		
Final Action 08/09/88 (53 FR 29897)		
1988-89 proposed frameworks for late seasons		
NPRM 08/12/88 (53 FR 30622)		
Final Action 09/28/88 (53 FR 37944)		
1988-89 seasons (supplemental rule)		
NPRM 06/07/88 (53 FR 20874)		

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 254-3207**

RIN: 1018–AA24

1105. ● ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669 to 669i; 16 USC 777 to 777k

CFR Citation: 50 CFR 080

Legal Deadline: None

Abstract: The Service will incorporate the requirements of the Uniform Administrative Requirements for Grants and Cooperative Agree- ments to State and Local Governments (43 CFR 12) and update and clarify program requirements for grants to State agencies.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Conley L. Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1526**

RIN: 1018–AB15

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1106. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: Final, Statutory, May 16, 1982.
180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Begin Review	02/08/88	53 FR 3894
Final ActionDelay effective date of final rule	02/10/88	53 FR 3894
Final Action Notice of effective date and enforcement policy	04/27/88	53 FR 15042
ANPRM	08/10/88	53 FR 30077
ANPRM Comment Period End	09/09/88	53 FR 30077
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982. The final rule, published on November 10, 1987 (52 FR 43274), was to have taken effect on February 8, 1988; however, because of substantial controversy, the Service delayed the effective date until August. In response to a lawsuit, a preliminary injunction order was issued which ruled that delay of the effective date was without good cause. Consequently, the rule published in November is in force and effective as of February 8, 1988, as required by Court order. The service is reviewing the regulations for the purpose of proposing improvements and clarifications. A notice of intent to propose amendments was published on August 10, 1988.

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4968**

RIN: 1018–AA07

1107. ● IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 18 USC 42; 16 USC 3371 to 3378; 16 USC 1538(d) to 1538(f); 16 USC 1540(f); 16 USC 1382; 16 USC 704; 16 USC 712; 31 USC 483(a); 16 USC 852(c)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: General review and evaluation of 50 CFR 14, including structure of import/export and user fees.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34795
NPRM Comment Period End	10/11/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC. 20240, 202 343-9242

RIN: 1018–AB20

1108. INJURIOUS WILDLIFE: MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife. The Lacey Act prohibits importation and introduction into the natural eco- system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/87	52 FR 2748
NPRM	01/00/89	

Mitten crabs

Request for Information 01/26/87 (52 FR 2748)

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018–AB04

1109. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph J Webster, Chief, National Fish Hacheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240, 202 653-8746

RIN: 1018–AB13

1110. CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: This rule will be revised to relieve certain restrictions on the public that have been determined to be outmoded, burdensome and counter productive.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4955

RIN: 1018–AB10

1111. PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE NASHVILLE CRAYFISH IN TENNESSEE

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reintroduce the Nashville Crayfish (Orconectes shoupi), federally listed as an endangered species, into Richland Creek, Davidson County, Tennessee, and to determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. Section 10(j) of the Act authorizes nonessential experimental populations to be treated as if they were proposed species for the purposes of Section 7 of the Act. The Nashville crayfish is presently know to inhabit Mill Creek and five of its tributaries in Davidson and Williamson Counties, Tennessee.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 703 235-1975

RIN: 1018–AB12

1112. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULES FOR MAMMALS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.40

Legal Deadline: None

Abstract: This amendment brings the endangered species regulations into compliance with control procedures for African elephant ivory trade.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 202 343-9242

RIN: 1018–AB19

1113. ● MARINE MAMMALS: CHANGE DEFINITION OF U.S. CITIZEN

Significance: Agency Priority

Legal Authority: 16 USC 1371(a)(5); 16 USC 1371(a)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 18.24

Legal Deadline: None

Abstract: Under existing regulations implementing the Marine Mammal Protection Act (MMPA), corporations organized under United States laws, but not controlled by individuals who are U.S. citizens, cannot be issued Letters of Authorization to undertake activities pursuant to any specific regulations authorizing an incidental take of marine mammals. This rule will amend the definition of U.S. citizen in the current regulations to allow corporations subject to U.S. jurisdiction to participate under the MMPA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 202 632-2202

RIN: 1018–AB16

1114. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	03/00/89	
1988-89 nontoxic shot zones		
Final Action	06/28/88	(53 FR 24284)
1989-90 nontoxic shot zones		
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018–AA93

1115. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Appeals Court recently ruled that the Migratory Bird Treaty does not permit subsistence hunting.

Agency Contact: Marvin L. Plenert, Acting Assistant Director, Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252 Interior, US Fish and Wildlife Service, Washington, DC 20240, 202 343-5333

RIN: 1018–AB03

1116. REFUGE-SPECIFIC HUNTING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	09/00/89	
1988-89 hunting season		
NPRM	07/13/88	(53 FR 26461)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Tom Follrath, Acting Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA71

1117. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None

Abstract: The Service will review annually, and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

1987-88 refuge-specific regulations
NPRM 01/20/88 (53 FR 1487)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: October 1983

Agency Contact: Tom Follrath, Acting Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA50

1118. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460

CFR Citation: 50 CFR 72

Legal Deadline: None

Abstract: This rule is necessary to implement the Klamath River Basin Fishery Resources Restoration Act. These include designation of the Klamath River Basin Conservation Area, establishment of qualifications of volunteers who carry out surveys, censuses, and other scientific studies, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-6394

RIN: 1018–AB11

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Final Rule Stage

1119. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018–AA79

1120. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

California freshwater shrimp
NPRM 04/22/87 (52 FR 13754)
Final Action 00/00/00

Chisos Mountain hedgehog cactus
NPRM 07/06/87 (52 FR 25275)
Final Action 00/00/00

Cumberland sandwort
NPRM 07/06/87 (52 FR 25268)
Final Action 06/23/88 (53 FR 23745)

Daphnopsis hellerana
NPRM 07/06/87 (52 FR 25265)
Final Action 06/23/88 (53 FR 23740)

Houghton's goldenrod
NPRM 08/19/87 (52 FR 31045)
Final Action 07/18/88 (53 FR 27134)

Kearney's blue star
NPRM 07/10/87 (52 FR 26030)
Final Action 00/00/00

Lakeside daisy
NPRM 08/19/87 (52 FR 31048)
Final Action 06/23/88 (53 FR 23742)

Large-fruited sand verbena
NPRM 06/16/87 (52 FR 22944)
Final Action 09/28/88 (53 FR 37975)

Mathis spiderling
NPRM 07/10/87 (52 FR 26033)
Extension of comment period 07/14/88 (53 FR 26616)
Final Action 00/00/00

Mexican and Sanborn's long nosed bats
NPRM 07/06/87 (52 FR 25271)
Final Action 09/30/88 (53 FR 38456)

Palo de Nigua
NPRM 04/24/87 (52 FR 13792)
Final Action 04/07/88 (53 FR 11610)

Pitcher's thistle
NPRM 07/20/87 (52 FR 27229)

Pitcher's Thistle
Final Action 07/18/88 (53 FR 27137)

Relict trillium
NPRM 06/04/87 (52 FR 21088)
Final Action 04/04/88 (53 FR 10879)
Sacramento prickly poppy
NPRM 07/13/87 (52 FR 26164)
Final Action 00/00/00
Shasta crayfish
NPRM 07/10/87 (52 FR 26036)
Extension of comment period 09/09/87 (52 FR 33980)
Final Action 09/30/88 (53 FR 38460)
Tipton kangaroo rat
NPRM 07/10/87 (52 FR 26040)
Extension of comment period 09/09/87 (52 FR 33980)
Final Action 00/00/00
Visayan deer
NPRM 08/19/87 (52 FR 31051)
Final Action 09/01/88 (53 FR 33990)
White-haired goldenrod
NPRM 04/24/87 (52 FR 13797)
Final Action 04/07/88 (53 FR 11612)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1975**

RIN: 1018–AA10

1121. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00
Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 10/28/87 (52 FR 41435)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: October 1984.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **703 235-1975**

RIN: 1018–AA84

1122. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Blackside dace
NPRM 05/21/86 (51 FR 18624)
Final Action 06/12/87 (52 FR 22580)
Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00
Inyo brown towhee(listing)
NPRM 03/07/85 (50 FR 9300)
Final Action 08/03/87 (52 FR 28717)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **703 235-1975**

RIN: 1018–AA85

1123. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00
Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, **703 235-1975**

RIN: 1018–AA95

1124. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist,

as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 00/00/00
Leopard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AA98

1125. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 00/00/00
Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 00/00/00
Wild Nile crocodile-Zimbabwe
NPRM 01/21/87 (52 FR 2227)
Extension of comment period 10/08/87 (52 FR 37640)
Final Action 09/30/88 (53 FR 38451)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AB02

1126. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bradshaw's lomatium
NPRM 11/21/86 (51 FR 42116)
Final Action 09/30/88 (53 FR 38448)
Florida lizards
NPRM 01/21/87 (52 FR 2242)
Final Action 00/00/00
Miami palmetto
NPRM - Extend comment period 07/21/87 (52 FR 27437)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AB06

1127. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32143
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington DC 20240, 703 235-1975

RIN: 1018–AB09

1128. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify or delist, as

appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama cave shrimp
NPRM 11/19/87 (52 FR 44578)
Final Action 08/26/88 (53 FR 32827)
Alabama cavefish
NPRM 12/04/87 (52 FR 46106)
Final Action 12/00/88
Boulder darter
NPRM 11/17/87 (52 FR 43921)
Final Action 09/01/88 (53 FR 33996)
Decurrent false aster
NPRM 02/25/88 (53 FR 5598)
Final Action 02/00/89
Dwarf lake iris
NPRM 12/04/87 (52 FR 46334)
Final Action 09/28/88 (53 FR 37972)
Erubia
NPRM 11/19/87 (52 FR 44580)
Final Action 11/00/88
Fassett's locoweed
NPRM 12/04/87 (52 FR 46336)
Final Action 09/28/88 (53 FR 37970)
Gila trout
NPRM 10/21/87 (52 FR 37424)
Final Action 10/00/88
Harperella
NPRM 02/25/88 (53 FR 5736)
Final Action 09/28/88 (53 FR 37978)
Hinckley oak
NPRM 09/16/87 (52 FR 34966)
Final Action 08/26/88 (53 FR 32824)
Independence Valley Speckled & Clover Valley dace
NPRM 09/18/87 (52 FR 35282)
Final Action 09/30/88 (53 FR 38309)
James River spiny mussell
NPRM 09/01/87 (52 FR 32939)
Final Action 07/22/88 (53 FR 27689)
Mead's milkweed
NPRM 10/21/87 (52 FR 39255)
Final Action 09/01/88 (53 FR 33992)
Mohr's Barbara's buttons
NPRM 11/19/87 (52 FR 44583)
Final Action 09/07/88 (53 FR 34698)
Sandplain gerardia
NPRM 11/19/87 (52 FR 44450)
Final Action 09/07/88 (53 FR 34701)
Short nose & Lost River sucker
NPRM 08/26/87 (52 FR 32145)
Final Action 07/18/88 (53 FR 27130)
Stephen's kangaroo rat
NPRM 11/19/87 (52 FR 44453)
Final Action 09/30/88 (53 FR 38465)
Swamp pink
NPRM 02/25/88 (53 FR 5740)
Final Action 09/09/88 (53 FR 35076)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, **703 235-1975**

RIN: 1018–AB14

1129. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama canebrake pitcher plant
NPRM 04/21/88 (53 FR 13230)
Final Action 04/00/89
Anatasia Island and Southeastern beach mouse
NPRM 07/05/88 (53 FR 25185)
Final Action 07/00/89
Autumn buttercup
NPRM 07/22/88 (53 FR 27724)
Final Action 07/00/89
Bee Creek Cave harvestman
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89
Cooley's meadowrue
NPRM 04/21/88 (53 FR 13220)
Final Action 04/00/89
Dwarf-flowered heartleaf
NPRM 04/21/88 (53 FR 13223)
Final Action 04/00/89
Kretschmarr Cave mold beetle
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89
Little-wing pearlymussel
NPRM 04/21/88 (53 FR 1322)
Final Action 04/00/89
Magazine Mountain shagreen
NPRM 07/05/88 (53 FR 25179)
Final Action 07/00/89
Osterhout milkvetch
NPRM 07/05/88 (53 FR 25181)
Final Action 07/00/89
Penland beard
NPRM 07/05/88 (53 FR 25181)
Final Action 07/00/89
Speckled pocketbook mussell
NPRM 07/25/88 (53 FR 27884)
Final Action 07/00/89
Tooth Cave ground beetle
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89
Tooth Cave pseudoscorpion
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89
Tooth Cave spider
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, **703 235-1975**

RIN: 1018–AB18

1130. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 101(a)(4); 16 USC 109(h)

CFR Citation: 50 CFR 18.22; 50 CFR 18.24

Legal Deadline: None

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12043
NPRM Comment Period End	07/28/88	53 FR 24330
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets,

NW, Washington, DC 20240, 202 632-2202

RIN: 1018–AA96

1131. MARINE MAMMALS: TAKE OF SMALL NUMBERS INCIDENTAL TO SPECIFIED ACTIVITIES

Legal Authority: 16 USC 1371(a)(5)(A); 16 USC 1536(b)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 402.14(i)

Legal Deadline: None

Abstract: This rule will implement the 1986 amendments to the Marine Mammal Protection Act to allow the incidental take of depleted as well as non-depleted marine mammals, modify standards for determining whether to allow incidental taking and require that the incidental take of endangered or threatened marine mammals not be authorized until authorized under the provisions of the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 6473
NPRM Comment Period End	07/05/88	53 FR 17964
Final Action	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018–AB05

1132. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The protocol has been reviewed by Canadian officials and they wish to reopen negotiations. This will delay indefinitely final action on development of an international agreement.

Agency Contact: Marvin Plenert, Acting Assistant, Director - Refuges and Widlife, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-5333

RIN: 1018–AA92

1133. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	12/28/87	52 FR 48948
NPRM Comment Period End	02/26/88	52 FR 48948
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Room 300 Hamilton, US Fish and Wildlife Service, Washington, DC 20240, 202 343-9242

RIN: 1018–AB01

1134. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be clarified and revised to incorporate recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35743
Final Action	12/00/88	

Changes in list of species in Appendices to CITES
Final Action 12/28/87 (52 FR 48820)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4968

RIN: 1018–AA29

1135. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Public entry and use, Back Bay NWR
Final Action 09/23/87 (52 FR 35710)

Small Entities Affected: None

Government Levels Affected: Undetermined

DOI—FWS

Final Rule Stage

Additional Information: Originally scheduled: April 1981.

Agency Contact: Tom Follrath, Acting Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA36

1136. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	51 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Revised NPRM	08/05/88	53 FR 29500
NPRM Public Comment Period End	09/19/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Because of the high number of comments received suggesting modification, the rule, as proposed, was not adopted. The amended proposed rule is being proposed to accommodate the concerns expressed.

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1526

RIN: 1018–AA97

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1137. PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE YELLOWFIN MADTOM IN VIRGINIA

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reintroduce a small catfish, the yellow madtom (Noturus flavipinnis), into the North Fork Holston River, Smyth County, Virginia, and determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. The Yellowfin madtom once likely inhabited many of the lower gradient streams of the Tennessee River basin upstream of Chattanooga, Tennessee. Presently, populations are confined to only three stream reaches in the Tennessee River Valley. This action is being taken in an effort to re-establish the yellowfin madtom within its historic range.

Timetable:

Action	Date	FR Cite
Final Action	08/04/88	53 FR 29335
Final Action Effective	09/06/88	
NPRM	12/08/88	52 FR 33850

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AB08

1138. ● TECHNICAL AMENDMENTS TO THE SEA OTTER TRANSLOCATION REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq; PL 99-625

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service is proposing to amend the Translocation Regulations for southern sea otters, a threatened species of marine mammal. Regulations were promulgated for the translocation of southern sea otters to San Nicolas Island pursuant to PL 99-625. The proposed changes would address certain technical problems identified during the first year of the translocation concerning the age and number of animals released at any one time, the number of animals with implanted radio transmitters, the season for capture, and the retainment of animals in temporary holding pens. The changes are expected to promote survival and reduce dispersal of the translocated otters.

Timetable:

Action	Date	FR Cite
NPRM	08/19/88	53 FR 31722
Final Action	09/27/88	53 FR 37577
Final Action Effective	09/27/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW., Washington, DC 20240, 703 235-1975

RIN: 1018–AB17

1139. MARINE MAMMALS: REPORTING AND SEALING REQUIREMENTS FOR ALASKA NATIVES

Legal Authority: 16 USC 1379(i)

CFR Citation: 50 CFR 18.23(f)

Legal Deadline: None

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain marine mammals lawfully taken for Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. This rule is necessary for management purposes.

DOI—FWS **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49577
Final Action	06/28/88	53 FR 24277
Final Action Effective	10/26/88	53 FR 24277

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: July 1980.

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018–AA20

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

1140. ● YOSEMITE NATIONAL PARK; WAWONA ZONING REGULATIONS

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 61

CFR Citation: 36 CFR Not yet determined

Legal Deadline: None

Abstract: The proposed rulemaking will provide for land use controls on privately owned lands in Wawona, Yosemite National Park, CA. The rulemaking will allow residential development to occur without threat of condemnation if the development is compatible with Federal and private interests, and if it meets the specific zoning requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jack Morehead, Superintendent, Department of the Interior, National Park Service, Yosemite National Park, P.O. Box 1024, Yosemite, CA 95389, 209 375-6391

RIN: 1024–AB77

1141. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024–AB07

1142. HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, 808 967-7311

RIN: 1024–AB66

1143. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA94

1144. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, 919 473-2111

RIN: 1024–AB54

1145. GLEN CANYON NATIONAL RECREATION AREA: COMMERCIAL OPERATIONS AND WHITEWATER BOATING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.70

Legal Deadline: None

Abstract: The Service proposes to amend special regulations that apply to Glen Canyon National Recreation Area by clarifying provisions that pertain to commercial operations and deleting duplicative provisions that pertain to Colorado River Whitewater boat trips.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Lancaster, Superintendent, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, Box 1507, Page, AZ 86040, 602 645-2471

RIN: 1024–AB72

1146. ● SEQUOIA AND KINGS CANYON NATIONAL PARKS: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.8

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Parks' fishing regulation. The changes would simplify existing fishing regulation, maintain the existing variety of recreational fishing opportunities, help restore the natural distribution and abundance of native species, help retard expansion of introduced species, and open most streams to fishing which are currently closed. Anglers would have to be able to identify fish they kept, and in some areas they would be required to use single barbless hooks.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Werner, Fish and Wildlife Biologist, Department of the Interior, National Park Service, Sequoia and Kings Canyon National Park, Three Rivers, CA 93271, 209 565-3341

RIN: 1024–AB76

1147. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB48

1148. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off-road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA89

1149. MINERALS MANAGEMENT - NON-FEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq.; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8

CFR Citation: 36 CFR 9, Subpart B

Legal Deadline: Final, Statutory, January 29, 1989.
Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing non-Federal oil and gas development in the (cont)

Abstract: Several sections of 36 CFR Part 9, Subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 35% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to revise the existing regulations to incorporate Congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs; revising sections of the regulations to make them consistent with the enabling (Cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/30/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: legislation of affected units; and, clarifying compliance issues associated with different access conditions. Revisions will decrease the potential for prolonged uncertainty among applicants.

LEGAL DEADLINE CONT: "Addition" within nine months of the date of the enactment of that statute, which was signed into law on April 29, 1988.

Agency Contact: Pam Matthes, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, **202 523-5120**

RIN: 1024–AB39

1150. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq Mining in the Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None

Abstract: The existing regulations at 36 CFR Part 9, Subpart A, promulgated in January of 1977, contain several provisions that are either outdated or have proven difficult to understand, enforce and comply with. Most notable is a provision regarding the use of water in connection with mining claims within National Park System units. The current language creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service (NPS) would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity. Additional changes sought by the NPS are as follows: Several sections of the regulations refer to a surface disturbance moratorium (mandated by the Mining in the Parks Act of 1976, 16 USC 1901 et seq.) which expired in 1980. Other sections include transitional procedures used temporarily in implementing the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Section, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, **202 523-5120**

RIN: 1024–AB74

1151. MINERALS MANAGEMENT: NONFEDERAL RIGHTS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9, Subpart C

Legal Deadline: None

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. The Service presently regulates only nonfederal oil and gas activities occurring in those units. Mineral activities, other than those associated with nonfederal oil and gas, are occurring in approximately 13 units of the System. There are also 7 additional units in which nonfederal mineral development is currently proposed or has recently been proposed. The Service is charged by Congress to ensure that the development of nonfederal mineral rights within park boundaries is consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards governing nonfederal mineral development, other than nonfederal oil and gas, in a manner that protects affected park units until such time that the Service has sufficient funds to acquire the mineral right.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Kliwinski, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L Street, NW, Washington, DC 20013-7127, **202 523-5120**

RIN: 1024–AB75

1152. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, **907 271-4551**

RIN: 1024–AB18

1153. ● KATMAI NATIONAL PARK AND PRESERVE FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.66

Legal Deadline: None

Abstract: This proposal is to modify fishing regulations for the Brooks River in Katmai National Park and Preserve. A change will be made to the open bait season on the Naknek River to remain consistent with changing State regulations.

DOI—NPS

Proposed Rule Stage

This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29746
NPRM Comment Period End	10/07/88	53 FR 29746

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Hurd, Chief Ranger, Department of the Interior, National Park Service, P.O. Box 7, King Salmon, AK 99613, 907 246-3305

RIN: 1024–AB78

1154. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AA49

1155. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-2660

RIN: 1024–AA84

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Final Rule Stage

1156. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, OH 44141, 216 526-5256

RIN: 1024–AB44

1157. CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB47

1158. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes

mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA96

1159. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024–AB33

1160. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AB10

1161. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024–AB19

1162. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024–AB28

1163. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(a)

Legal Deadline: None

Abstract: The Service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, **303 586-2371**

RIN: 1024–AB46

1164. ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, 303 586-2371

RIN: 1024–AB67

1165. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
NPRM	05/10/88	53 FR 16561
NPRM Comment Period End	07/11/88	53 FR 16561
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 242-4916

RIN: 1024–AA07

1166. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable State law.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
NPRM Comment Period End	03/10/88	53 FR 3759
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB61

1167. WHISKEYTOWN UNIT, WHISKEYTOWN - SHASTA - TRINITY NRA GOLD PANNING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service proposes to allow visitors to engage in limited gold panning activities, using pan and trowel only, in certain designated streams within the recreation area. Any gold recovered by such methods could be retained for personal, non-commercial use.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
Final Action	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, Whiskeytown National Recreation Area, Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB71

1168. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, 406 666-2412

RIN: 1024–AB63

1169. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, Gates of the Arctic National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboat and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-2664

RIN: 1024–AA71

DOI—NPS

Final Rule Stage

1170. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37586
NPRM Comment Period End	11/06/87	52 FR 37586
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024–AA80

1171. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9500

RIN: 1024–AA44

1172. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9539

RIN: 1024–AA46

1173. HISTORIC PRESERVATION CERTIFICATIONS PURSUANT TO SECTION 48(G) AND SECTION 170(H) OF THE INTERNAL REVENUE CODE OF 1986

Legal Authority: 16 USC 470(a) (1)[A); 26 USC 48 (g); 26 USC 170(h)

CFR Citation: 36 CFR 67, (Revised)

Legal Deadline: None

Abstract: This proposed rule restates and makes amendments to the procedures by which owners desiring tax benefits for rehabilitation of historic buildings apply for certifications pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986. These tax laws require certifications from the Secretary of the Interior in order for taxpayers to receive tax benefits.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18292
NPRM Comment Period End	07/22/88	53 FR 18292
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Ward Jandl, Chief, Technical Preservation Services Branch, Department of the Interior, National Park Service, P O Box 37127, Washington, DC 20013-7127, 202 343-9584

RIN: 1024–AB73

1174. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; (c) guidelines for access to,

loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	08/28/87	52 FR 32740
NPRM Comment Period End	10/27/87	52 FR 32740
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The proposed rule was published for public comment on August 28, 1987. Comments were received from 41 agencies and organizations, including 11 Federal agencies, 7 State agencies, 8 Indian tribes and organizations, 7 museums, 5 archeological and museum organizations, 2 industrial firms, and 1 individual. The National Park Service is in the process of analyzing the comments, making appropriate revisions, and preparing responses to the comments for publication in the preamble of the final rulemaking.

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AB13

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

1175. LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48(i)

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51866
NPRM Comment Period End	01/21/86	50 FR 51866
Final Action	08/08/88	53 FR 29681
Final Action Effective	09/07/88	53 FR 29681

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, 702 293-9041

RIN: 1024–AB50

1176. MANAGEMENT OF MINING CLAIM ACTIVITIES

Legal Authority: 16 USC 3 et seq NPS Organic Act; 16 USC 1901 et seq Mining in the Parks Act of 1976

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline. None

Abstract: The intent of this current rulemaking is to explain that mineral development on mining claims within the boundaries of units of the National Park System is governed by regulations at 36 CFR Part 9, Subpart A without regard to whether the claim is patented or how the claim is accessed. This rulemaking also explains the relationship of the 36 CFR Part 9, Subpart A regulations to those governing access in Alaska in 43 CFR Part 36. This rulemaking is necessary because confusion exists in the mining community in Alaska as to the scope of these regulations due to a regulatory provision that was contained at 36 CFR Part 13.15(d)(1) that exempted operators from compliance with the 36 CFR Part 9, Subpart A regulations if the operators could access their patented claims without crossing federally owned parklands. Because there was no legal basis for such an exemption in either the Mining In The Parks Act or the Alaska National Interest Lands Conservation Act of 1980, the Department eliminated the exemption when it promulgated its regulations at 43 CFR Part 36.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	49 FR 29415
30 day extension to ANPRM comment period to	09/20/84	
NPRM	04/03/87	52 FR 10866
NPRM Comment Period End	09/04/87	52 FR 28850
Final Action	07/05/88	53 FR 25160
Final Action Effective	08/05/88	53 FR 25160

Small Entities Affected: None

Government Levels Affected: None

Analysis: EA in compliance with NEPA

Agency Contact: Carol McCoy, Chief, Policy and Regulations Section, Land Resources Division, Department of the Interior, National Park Service, Room 3223 (660), Box 37127, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB37

1177. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Legal Deadline: None

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

DOI—NPS **Completed Actions**

Timetable:

Action	Date	FR Cite
Withdrawn Delete clauses no longer in use	07/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence E. Sawler, Chief, Acquisition and Assistance System Branch, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 523-5021

RIN: 1024–AB35

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Bureau of Indian Affairs (BIA)

1178. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 83

Legal Deadline: None

Abstract: The proposed rule revision will resolve problems encountered with existing regulations published almost ten years ago. Revisions will reduce time and resources required to process petitions, clarify terms and definitions, interpret criteria, add a process whereby groups may withdraw a petition, improve the appeal process and respond to changing conditions. The revised rule will be more cost effective for the Department and Indian groups petitioning for Federal acknowledgment. The proposed revisions will be published taking into consideration ten years of experience with the regulations. Revisions will reflect recommendations received from the Congress, Indian groups and tribes, other Federal agencies and national organizations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	04/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynn Forcia, Chief, Branch of Acknowledgment and Research, Department of the Interior, Bureau of Indian Affairs, Room 1352 Main Interior, 18th & C Streets, NW, Washington, DC 20240, 202 343-3568

RIN: 1076–AC15

1179. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	03/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5786

RIN: 1076–AB98

1180. ● SMALL ESTATES - OSAGE

Legal Authority: 92 Stat. 1660

CFR Citation: 25 CFR 18

Legal Deadline: None

Abstract: This rulemaking action would permit the Field Solicitor, Pawhuska, Oklahoma, to determine the heirs, devisees and/or legatees of estates under the jurisdiction of the Osage Agency, consisting of Osage headright interest, real estate on which restrictions against alienation have not been removed, and/or funds on deposit at the Osage Agency, all of which do not exceed a valuation of $10,000 on the date of death of a decedent, when requested in writing by one or more of the heirs, devisees and/or legatees; provided, that a court of competent jurisdiction has not proceeded to administer or probate the estate. The administration of such estates by the Field Solicitor would alleviate the necessity of the employment of an attorney by the beneficiaries, approval of the will pursuant to 25 CFR Part 17, and the filing of administration or probate proceedings in State Court. Because of the size of these estates, it is financially impractical for the beneficiaries to employ attorneys for that purpose.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-5473

RIN: 1076–AC18

1181. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The revision is

needed to specifically define the Bureau's role in the provision of institutional and in-home care to Indian adults who are mentally or physically handicapped or otherwise disabled. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance was transferred to general assistance by revision of 25 CFR Part 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
Distribute draft rule to all Area Offices for review	04/30/88	
NPRM	04/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Hickman, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AB99

1182. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: This rulemaking action is being taken to further define various programmatic responsibilities of the Child Welfare Assistance and Child and Family Service Program under this part.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Hickman, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AC13

1183. ● ADMINISTRATION OF A PROGRAM OF EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 28

Legal Deadline: None

Abstract: The purpose of the rule is to combine the rules described in 25 CFR Part 26, Employment Assistance for Adult Indians, and 25 CFR Part 27, Vocational Training for Adult Indians, into a new 25 CFR Part 28. The application and selection process, financial assistance, program services, and employment as the objective are common to both Parts 26 and 27. Another purpose is to establish uniform procedures for administration of the employment assistance for adult Indians program and include requirements to improve the administrative efficiency of the program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deane Poleahla, Actg. Division Chief, Job Placement and Training, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-3570

RIN: 1076–AA04

1184. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau operated schools.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076–AC14

1185. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076–AA11

1186. ● CERTIFICATES OF DEGREE OF INDIAN BLOOD

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 70

Legal Deadline: None

Abstract: This rulemaking action is to add a new Part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, **202 343-1702**

RIN: 1076–AC19

1187. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. D. Colbert, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-5831**

RIN: 1076–AC00

1188. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. D. Colbert, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-5831**

RIN: 1076–AC01

1189. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Revise regulations for Exception Criteria	01/31/87	
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2578**

RIN: 1076–AB91

1190. ● LEASING AND PERMITTING

Significance: Agency Priority

Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: The Bureau proposes to reorganize Part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR Part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Pennington, Natural Resources Officer, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 58101, **406 657-6145**

RIN: 1076–AA29

1191. ● ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

DOI—BIA

Proposed Rule Stage

Abstract: The Bureau of Indian Affairs is proposing revising 25 CFR Part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations, to assure funds are apportioned from the Highway Trust Fund (HTF) for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4359

RIN: 1076–AB05

1192. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to ensure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AB41

1193. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J. D. Colbert, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, 202 343-5831

RIN: 1076–AA55

1194. TRIBAL BINGO MANAGEMENT CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 81; 25 USC 415; 25 USC 301

CFR Citation: 25 CFR 287

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing a new rule which establishes the requirements to be met and procedures to be followed to obtain approval of management contracts for tribal bingo enterprises. This action is necessary because the Federal courts have held that such management contracts are null and void without Secretarial approval pursuant to 25 USC 81. The intended effect of this rule is to replace the administrative guidelines previously announced by the Bureau for approval of such contracts and to establish uniform minimum standards for the review and approval of all such gaming management contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Starr, Staff Assistant, Office of the Assistant Secretary, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6031

RIN: 1076–AC07

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1195. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies.

Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43006
NPRM Comment Period End	01/05/88	52 FR 43006
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4689**

RIN: 1076–AB21

1196. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The present regulations contain a very incomplete criminal code that does not cover many areas of the law that are usually in the laws of the State where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. It is proposed to update the sections on criminal offenses, and essentially create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings. This will provide the Courts of Indian Offenses with more complete and up to date procedures and rules. Courts will have a six month period from the date of publications of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual case load for these courts or require additional staffing. Therefore, the initiation of these rules should not result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Code revisions by courts	12/00/88	
Final Action	12/00/88	
Final Action Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Maria Mendoza, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-1400**

RIN: 1076–AA01

1197. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33382
NPRM Comment Period End	10/02/87	52 FR 33382
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076–AB02

1198. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076–AA10

1199. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	52 FR 49172
NPRM Comment Period End	02/29/88	52 FR 49172
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076–AA15

1200. PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 100-139

CFR Citation: 25 CFR 61

Legal Deadline: Final, Statutory, October 26, 1988.
One year from date of enactment for completion of the tribal membership roll.

Abstract: This rulemaking action is being taken to amend the regulations contained in 25 CFR Part 61. Part 61 contains general enrollment procedures which can be made specifically applicable in the preparation of a particular roll by the Secretary by amending section 61.4 to include the qualifications for enrollment for that particular roll. Under the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary has been directed to prepare certain rolls of Cow Creek Indians to be used in the implementation of the Act. The proposed amendment is, therefore, to make the procedures contained in Part 61 applicable to the preparation of the Cow Creek rolls by adding in section 61.4 the qualifications for enrollment for each of the rolls to be prepared.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20335
NPRM Comment Period End	07/05/88	53 FR 20335
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Room 2609 Main Interior, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-1702

RIN: 1076–AC11

1201. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to 89.46

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, 202 343-1861

RIN: 1076–AB87

1202. REVOLVING CATTLE POOL

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and is currently inactive. There have been no funds appropriated for the program; therefore, this part is proposed for removal. The terms and conditions of loans of cattle by the United States Government to tribes, tribal corporations or tribal members were prescribed in 25 CFR 102. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Pursuant to 5 USC 553(b)(B), the Bureau of Indian Affairs has determined that notice and public procedure concerning removal of this rule are unnecessary because there is no longer an active revolving cattle pool activity under this part.

Agency Contact: J. D. Colbert, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3657

RIN: 1076–AC02

1203. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 122

Legal Deadline: None

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24732
NPRM Comment Period End	08/29/88	53 FR 24732

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076–AB51

1204. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 USC 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6822
NPRM Comment Period End	08/03/87	52 FR 6822
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and the Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-3959

RIN: 1076–AA33

1205. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3611

RIN: 1076–AB89

1206. SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Significance: Agency Priority

Legal Authority: 43 Stat. 476, Sec 5; 45 Stat. 210; 45 Stat. 211; 5 USC 301

CFR Citation: 25 CFR 177

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is amending the pertinent sections of the regulations governing charges and costs assessed the electric power customers for the electric power, energy and associated electric power services provided by the San Carlos Indian Irrigation (Project), Arizona. The purpose of the regulatory amendments is to increase the costs to the public for the services provided by the electric power division of the Project. The proposed rules increase the electric power assessment rates in the residential and general service rate schedules. This action causes the generation of needed additional revenues for the Project. The increased assessment rates reflect the increased operating costs associated with labor, equipment and supplies. The electric power bills for service under the residential and general rate schedules will be increased by approximately 12.4 percent.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46781
NPRM Comment Period End	01/11/88	52 FR 46781
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Miller, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4004

RIN: 1076–AC08

1207. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished as a proposed rule on 10/21/87 (52 FR 39332) to allow for additional public comment.

Agency Contact: Frank Keel, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA38

1208. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of the public comments on the proposed rules for 25 CFR Parts 211 and 225, it has been determined that this part will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM for removal	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished for proposed removal with the proposed rulemaking actions for 25 CFR Parts 211 and 225 on 10/21/87 (52 FR 39332).

Agency Contact: Frank Keel, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA39

1209. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Frank Keel, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA82

1210. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226

Legal Deadline: None

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38608
NPRM Comment Period End	11/16/87	52 FR 38608
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-2790

RIN: 1076–AC09

1211. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	06/30/88	53 FR 24738
NPRM Comment Period End	08/01/88	53 FR 24738
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs,

DOI—BIA

Final Rule Stage

18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076–AA56

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1212. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Legal Deadline: None

Abstract: The purpose of the proposed revision is to define the various types of schools funded by the Bureau and to clarify and define eligibility for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will be comparable to but will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
Withdrawn No further action may be taken until 7/1/89 per PL 100-297.	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Section 31.3 was revised separately and published as a proposed rule. The passage of PL 99-228 supersedes that earlier revision and the conditions under which non-eligible students may attend Bureau-funded schools are incorporated in the current revision.

Agency Contact: George Scott, Education Specialist, Branch of Elementary and Secondary Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20240, **202 343-4872**

RIN: 1076–AB47

1213. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Regulatory Program

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39.22

Legal Deadline: None

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets. The companion regulation on new school starts and program expansions will appear at 25 CFR 271, Subpart H and are incorporated by reference in this part.

Timetable:

Action	Date	FR Cite
Withdrawn No further action to be taken until 7/1/89 per PL 100-297.	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076–AB48

1214. PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 69

Legal Deadline: None

Abstract: This rulemaking action is being taken to remove 25 CFR Part 69 from the Code of Federal Regulations. The regulations provided procedural rules governing the preparation of a roll of Alaska Natives pursuant to the Alaska Native Claims Settlement Act of 1971, as amended. The application and appeal processes for preparing the roll of Alaska Natives were completed in 1981 and the rule is no longer needed. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
Final Action	06/13/88	53 FR 21995
Final Action Effective	06/13/88	53 FR 21995

Small Entities Affected: None

Government Levels Affected: None

Additional Information: It has been determined that this is a rule of agency procedure and practice and therefore does not require publication of a proposed rule.

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Room 2609 Main Interior, 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-1702**

RIN: 1076–AC12

1215. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Legal Deadline: None

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, PL 85-154 (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance

with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Withdrawn -- no further action will be taken at this time	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-1702

RIN: 1076–AB54

1216. LIFE ESTATES AND FUTURE INTERESTS

Significance: Agency Priority

Legal Authority: 25 USC 372; 25 USC 373; 25 USC 487; 25 USC 607; 25 USC 2201 to 2211

CFR Citation: 25 CFR 179

Legal Deadline: None

Abstract: The proposed rule would add a new Part 179 to Title 25 of the Code of Federal Regulations to set forth the authorities, policy, and procedures to be followed in the administration of life estates and future interests on Indian land. These regulations are being proposed to address the need for a clearly stated uniform policy. At the present time, there are no regulations dealing with life estates and future interests, even though these have become increasingly prevalent in the activities of Indians and the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29701
NPRM Comment Period End	10/13/87	52 FR 29701
Final Action	07/08/88	53 FR 25952
Final Action Effective	08/08/88	53 FR 25952

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Street, NW, Washington, DC 20240, 202 343-5473

RIN: 1076–AC06

1217. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Legal Deadline: None

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
Interim Final Rule	07/21/87	52 FR 27329
Public Comment Period End	08/20/87	52 FR 27329
Withdrawn -- no further action will be taken at this time	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, NW, Washington, DC 20245, 202 343-4088

RIN: 1076–AA83

1218. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Agency Priority

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Legal Deadline: None

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification of the clause "adequate, free public school facilities" and refine existing criteria.

Timetable:

Action	Date	FR Cite
Hearings held with Indian leadership	08/00/86	
Withdrawn Further action will notbe taken until 7/89 due to PL 100-297	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: George Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts., NW, Washington, DC 20245, 202 343-4872

RIN: 1076–AB49

1219. SMALL TRIBES GOVERNMENTAL ASSISTANCE GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 25 USC 450; 25 USC 13

CFR Citation: 25 CFR 279

Legal Deadline: None

Abstract: This is a new program which will provide grants to small tribes to enable them to establish, improve or maintain basic governmental functions. This grant program will provide resources needed to allow small tribes to improve their capacity and ability to govern. The program also represents a refocus or redirection of activities previously conducted under the Self-Determination and Small Tribes Core Management Grant Programs. Therefore, Part 278 is proposed for removal from 25 CFR Subchapter M.

Timetable:

Action	Date	FR Cite
Withdrawn -- no further action will be taken at this time	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Clark, Division of Self-Determination Services, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-2727**

RIN: 1076–AC10

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1220. PROCESSING AND TRANSPORTATION ALLOWANCES, RETURN ON CAPITAL INVESTMENT

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published new oil and gas product valuation regulations in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). If a lessee has a non-arm's-length contract or has no contract for processing or transportation of oil or gas, the new regulations provide for an allowable deduction from royalty payments based upon the lessee's reasonable actual costs during the reporting period. These actual cost deductions allow the lessee to deduct operating and maintenance expenses, overhead, and at the lessee's option, either depreciation plus a return on undepreciated capital investment in the processing plant or transportation system, or a fixed cost equal to the initial depreciable investment multiplied by a rate of return. An amendment is needed to the regulations to establish the method to be used to determine the cost of capital, i.e., rate of return, to be applied to the lessee's investment in a processing plant or transportation system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB12

1221. ● REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1001 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB17

1222. ● AMENDMENT OF REGULATIONS, OIL AND GAS TRANSPORTATION ALLOWANCES AND GAS PROCESSING ALLOWANCES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of oil and gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). A subsequent review of the regulations disclosed that the wording of the provisions concerning the calculation of oil and gas transportation allowances and gas processing allowances was inconsistent with MMS's intent. An amendment is needed to the provisions to clarify MMS's intent.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal

Center, MS 662, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB18

1223. ● GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB22

1224. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Significance: Regulatory Program

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 230

Legal Deadline: None

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB11

1225. REVISION OF REGULATIONS GOVERNING APPEALS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: Payors who appeal a bill for payment of additional royalty, rents, bonuses, penalties, or other assessments, are required by the existing appeal regulations to submit payment of the billed amount or to post a bond in an amount adequate to indemnify the lessor from loss or damage. However, some bills for payment that have been appealed have been neither paid nor secured by an acceptable surety. An amendment to the existing regulations is needed to establish a requirement that payment must be made or that an acceptable surety must be posted within a specified period of time as a condition for acceptance of the appeal for consideration by the Director, Minerals Management Service (MMS). An amendment is also needed to permit the posting of letters of credit, in addition to bonds, in accordance with current MMS practice.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB13

1226. AIR QUALITY -- OUTER CONTINENTAL SHELF WIDE

Significance: Regulatory Program

Legal Authority: 30 USC 1334

CFR Citation: 30 CFR 250.44; 30 CFR 250.45; 30 CFR 250.46; 30 CFR 250.57

Legal Deadline: None

Abstract: Amendments to the Department of the Interior (DOI) Air Quality regulation for oil and gas operations will be proposed for all Outer Continental Shelf (OCS) areas. The changes would update requirements and consider the need for current information collection burdens. and provide additional safeguards for those pollutants which could be critical to air quality in areas adjoining the OCS. A determination of potential costs and benefits cannot be made until the final rulemaking has been prepared for RIN 1010-AA61, dealing with amendments to the DOI Air Quality regulation for oil and gas operations adjacent to the State of California. Considerable information has been developed during the negotiations conducted to implement that rulemaking. There have also been revisions to the related Environmental Protection Agency regulations which will affect both of these rulemakings. Timing, content, and format for this rulemaking for all OCS areas will not

be determined until completion of the rulemaking RIN 1010-AA61.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7818**

RIN: 1010–AB14

1227. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS), SUBPART O, TRAINING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.210

Legal Deadline: None

Abstract: The rules at 30 CFR Part 250 which govern oil and gas and sulphur operations in the OCS will be revised to address in greater specificity training requirements for personnel engaged in oil, gas, and sulphur drilling, development, and production operations in the OCS. Training requirements were addressed in a proposed rule to consolidate into one document the rules governing oil and gas and sulphur operations in the OCS which was published on March 18, 1986 (51 FR 9316). The training provisions of that proposed rule have been revised, updated, and consolidated under a new Subpart O, Training. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7816**

RIN: 1010–AB21

1228. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.250

Legal Deadline: None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7816**

RIN: 1010–AB23

1229. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately $25M to the regulated industry; the net benefits have not been quantified but would be a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Complete Determination of Effects of Rules	05/18/88	
Reach agreement on a negotiated rule or begin develpmnt of rule through std process	07/31/88	
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	
Final Action	03/00/89	

DOI—MMS

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7818

RIN: 1010–AA61

1230. LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 281

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
ANPRM Comment Period End	08/19/85	
NPRM	10/00/88	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AA82

1231. MINING OPERATIONS FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 282

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/86	51 FR 12163
ANPRM Comment Period End	08/07/86	
NPRM	11/00/88	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AA81

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1232. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 192 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 202; 30 CFR 203; 30 CFR 206; 30 CFR 212

Legal Deadline: None

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1840
NPRM Comment Period End	04/15/87	
Reopen Public Comment Period	07/09/87	52 FR 25887
Reopened Public Comment Period End	07/23/87	
Reopened Public Comment Period	08/12/87	52 FR 29868
Notice of Intent to Issue NPRM	11/17/87	52 FR 43919
Further NPRM	07/15/88	53 FR 26942
Further NPRM Public Comment Period End	09/13/88	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal

Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AA83

1233. ● AMENDMENT OF OIL AND GAS ROYALTY VALUATION REGULATIONS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of oil and gas from Federal leases onshore and on the Outer Continental Shelf, and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). A subsequent review of the regulations disclosed that the wording of several provisions was inconsistent with MMS's intent as discussed in the preamble to the final rules. An amendment is needed to the provisions to clarify MMS's intent.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB24

1234. ● OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended. The amendment would update the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) SPPE-1 standard from the 1985 edition to the 1988 edition and allow compliance with either the updated version of the ANSI/ASME SPPE-1 quality assurance (QA) program (1988 edition) or the proposed American Petroleum Institute (API) QA program (API Spec Q1 in combination with API Specs 14A and 14b). Other alternatives considered were not to amend the rule and to continue using ANSI/ASME SPPE-1 as the only type of certification for the QA program. The costs to lessees under the API program or the updated ANSI/ASME SPPE-1 program are not expected to be significantly different than the costs under the current program. If there is any cost difference, it is expected to be a reduction in cost since the use of the API program is an option to the use of the ANSI/ASME SPPE-1 program. Lessees would not be expected to choose the use of the more expensive of the approved QA programs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/88	53 FR 25349
NPRM Comment Period End	08/05/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. L. Courtois, Chief, Offshore Inspection and Enforcement Division, Department of the Interior, Minerals Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7750

RIN: 1010–AB19

1235. SUPPLEMENTAL SALES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.12; 30 CFR 256.26

Legal Deadline: None

Abstract: The rules at 30 CFR Part 256 will be revised to provide for supplemental sales and to establish limits on those supplemental sales. This rule is intended to allow the offering of rejected bid blocks, drainage blocks, and development blocks. The alternative is to operate under the current regulation and delay the leasing of certain blocks which may be critical to the development of an area or may be susceptible to loss of hydrocarbons.

Timetable:

Action	Date	FR Cite
NPRM	03/26/87	52 FR 9672
NPRM Comment Period End	04/27/87	
Comment Period Reopened	08/06/87	52 FR 29222
Final Action	10/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010–AB05

1236. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

DOI—MMS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17770
NPRM Comment Period End	06/11/87	
Final Action	10/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7817**

RIN: 1010–AA87

1237. ● APPEALS PROCEDURES

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 290

Legal Deadline: None

Abstract: Appeals are required to be filed within 30 days of the issuance of an order or decision by a Minerals Management Service official. The rule will create a "grace period" for determining whether notices of appeals have been filed in a timely manner. Appeals will be considered timely if they are received within 10 days after the end of the initial 30 days and there is evidence of transmittal within the initial 30 days (e.g., a postmark).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane A. Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, 1951 Kidwell Drive, MS 623, Vienna, VA 22180, **703 285-2990**

RIN: 1010–AB20

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Completed Actions

1238. ONSHORE PRODUCTION REPORTING AND ACCOUNTING

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 216; 43 CFR 3160

Legal Deadline: None

Abstract: This rulemaking is needed to redesignate the Bureau of Land Management regulations at 43 CFR 3160 applicable to production reporting and accounting to Minerals Management Service regulations at 30 CFR 216 to reflect the transfer in functions. Also, a requirement will be added for unique information needed to report information by oil and gas well.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1039
NPRM Comment Period End	02/16/88	
Final Action	05/09/88	53 FR 16408
Final Action Effective	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB10

1239. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Legal Deadline: None

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9316
NPRM Comment Period End	11/25/86	51 FR 40819
Complete Initial Review of public comments	09/16/87	
Further NPRM : 30 CFR 250.1	09/22/87	52 FR 35559
Complete draft of Final Rule	12/04/87	
Final Action	04/01/88	53 FR 10596
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in an H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52, OCS Order No. 9, Pipelines; 1010-AA98, 30 CFR 250.44, Borehole Abandonment.

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 648-7816**

RIN: 1010–AA53

DOI—MMS

Completed Actions

1240. PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 280

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period End	04/08/85	
NPRM	03/26/87	52 FR 9758
NPRM Comment Period End	06/24/87	
Final Action	07/05/88	53 FR 25242
Final Action Effective	08/04/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standard Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AA71

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1241. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 870.11

Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029–AB16

1242. ● PERMIT TO RECLAIM RULE

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701; 30 CFR 740; 30 CFR 750; 30 CFR 773; 30 CFR 843

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to provide for specific situations where a coal mine operator may be required to obtain a permit to conduct reclamation activities on a location where no coal extraction is taking place. The proposed rule would remove requirements to obtain or renew a permit when only reclamation activities must be performed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4533

RIN: 1029–AB26

1243. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities was not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1507

RIN: 1029–AA54

1244. INTERIM PROGRAM REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 710; 30 CFR 715; 30 CFR 716; 30 CFR 717; 30 CFR 718; 30 CFR 720; 30 CFR 721; 30 CFR 722

Legal Deadline: None

Abstract: The rule would amend those portions of the OSMRE interim regulatory program regulations which are different from the permanent regulatory program. OSMRE is undertaking this action to provide equity and regulatory consistency between the programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AB24

1245. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq; PL 100-34

CFR Citation: 30 CFR 740

Legal Deadline: None

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4560

RIN: 1029–AA76

1246. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Notice of EIS and RIA Scoping Meeting, Request for Comments	01/22/87	52 FR 2421
Scoping Hearings for NEPA and RIA	02/06/87	
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2073

RIN: 1029–AA77

1247. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Legal Deadline: None

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5144

RIN: 1029–AA90

1248. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761

Legal Deadline: None

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e) of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in section 522(e) of the Act.

The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
ANPRM Comment Period End	08/27/85	50 FR 13250
Notice of EIS and RIA Scoping Meeting and Request for Comments	01/22/87	52 FR 2421
EIS and RIA Scoping Meeting	02/06/87	
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of EO 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of EO 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029–AA80

1249. ● APPROXIMATE ORIGINAL CONTOUR VARIANCES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to allow issuance of a permit for nonmountaintop removal, steep slope, surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their approximate original contour.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4540

RIN: 1029–AB27

1250. REPROCESSING COAL WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 786, (New); 30 CFR 829, (New); 30 CFR 701; 30 CFR 785

Legal Deadline: None

Abstract: The rule would revise existing permitting and performance standards to take into consideration the unique circumstances and requirements for reprocessing coal waste. The rule would identify the minimum requirements for this type of activity. The action is being undertaken in response to findings and planned actions identified during OSMRE's study of remining initiatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Ray Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 342-1514

RIN: 1029–AB23

1251. PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 26, 1983), involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029–AB09

1252. PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.100; 30 CFR 816.101

Legal Deadline: None

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave.,

NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AB02

1253. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.102(g)(2); 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AA57

1254. DISPOSAL OF EXCESS SPOIL ON PREEXISTING BENCHES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.74; 30 CFR 817.74

Legal Deadline: None

Abstract: The regulations at 30 CFR 816.74/817.74 allow, with the approval of the regulatory authority, the disposal of excess spoil through placement on preexisting benches provided that the standards set forth in sections 816.71/817.71 are met. These standards contain the general requirements for the disposal of excess spoil. Based on the draft study entitled "Encouraging Abandoned Mine Land Reclamation via Remining: A Federal, State and Industry Initiative" and comments received, OSMRE has reviewed these regulations. Based on this review, OSMRE has concluded that excess spoil, when placed on the benches is similar to backfilling and grading of a highwall and bench and therefore could be regulated under the backfilling and grading regulations in section 816.102/817.102, in lieu of the "excess spoil" standards while maintaining the same environmental and safety standards. The proposed rule would apply the backfilling and grading requirements to disposal of excess spoil on preexisting benches.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029–AB18

1255. ASSESSMENT CONFERENCE SCHEDULING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 843; 30 CFR 845

Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 843 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSMRE is undertaking this action in response to suggestions from the Interior Department's Office of the Solicitor and from OSMRE personnel involved in administering the existing 30 CFR Part 843 and 845 requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Hugo Fleischman, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5864

RIN: 1029–AB22

1256. DELINQUENT ABANDONED MINE LAND RECLAMATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 35 CFR 843; 35 CFR 845

Legal Deadline: None

Abstract: The rule will clarify that when OSMRE issues a notice of violation or cessation order for delinquent AML fees, that determination of civil penalties is not to be treated as an environmental violation, but must follow a discrete procedure. Present rules do not address this circumstance, necessitating this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel Lytton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 653-2871

RIN: 1029–AB21

1257. ABANDONED MINE LAND RECLAMATION; STATE RECLAMATION GRANTS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 886

Legal Deadline: None

Abstract: Cases have been identified where coal mine operators have also contracted with a State to conduct reclamation of abandoned mine land. This reclamation is conducted under the Abandoned Mine Land (AML) Reclamation Program and is funded by fees paid by coal operators on productions. Under the proposed rule, a reclamation contract could not be let to an operator with certain outstanding violations of the Surface Mining Control and Reclamation Act. The violations

would include outstanding cessation orders and unpaid civil penalties and abandoned mine reclamation fees. The rule action is being initiated to prevent operators in violation of SMCRA from benefiting from the Act by receiving contracts funded under the AML program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Danny Lytton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2866

RIN: 1029–AB13

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

1258. TERMINATION OF JURISDICTION UNDER SMCRA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 800.40

Legal Deadline: None

Abstract: The Surface Mining Control and Reclamation Act (the Act) doesn't specifically define the point at which regulatory jurisdiction ends. Therefore, a regulation is needed to define that point. The regulation in question is specific to the responsibilities of the Department of the Interior, OSMRE, and implements the Act. No other Federal agency is authorized to undertake this action on behalf of the Department. OSMRE has never addressed this issue in a rulemaking. The regulatory authority will issue a written determination ending regulatory jurisdiction under the Act when the following conditions apply. For permanent program operations, it proposed to terminate regulatory jurisdiction under the Act at the time of final bond release or when all regulatory program requirements have been met. For initial program operations, regulatory jurisdiction will end when all requirements of the regulatory program have been met.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24092
NPRM Comment Period End	09/04/87	52 FR 24092
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1314

RIN: 1029–AB07

1259. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42259
NPRM Comment Period End	01/12/88	52 FR 42259
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4933

RIN: 1029–AA60

1260. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to remove the definition of "support facilities" from its regulations. In reviewing the decisions of regulatory authorities during the time periods when no definition was in effect (prior to the 1983 introduction of a definition and since the 1985 suspension of the definition), OSMRE found that the identification of facilities that support surface coal mining operations has been conducted in a manner consistent with the intent of the Surface Mining Control and Reclamation Act (SMCRA). Therefore, OSMRE has determined that a definition of "support facilities" is not needed in order to ensure that such facilities are regulated under SMCRA. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23522
NPRM Comment Period End	08/08/88	53 FR 23522
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Stephen Sheffield, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951

Constitution Ave., NW, Washington, DC 20240, **202 343-5950**

RIN: 1029–AA94

1261. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 702

Legal Deadline: None

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20546
NPRM Comment Period End	08/10/87	52 FR 20546
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Fary, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5384**

RIN: 1029–AA53

1262. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 772.11; 30 CFR 772.12; 30 CFR 772.14; 30 CFR 815.2; 30 CFR 942.772

Legal Deadline: None

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23532
NPRM Comment Period End	08/08/88	53 FR 23532
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4553**

RIN: 1029–AA92

1263. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would govern the collection by OSMRE of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for midterm review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSMRE for costs incurred in providing the services.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17568
NPRM Comment Period End	07/18/88	53 FR 17568
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5351**

RIN: 1029–AB15

1264. SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would implement court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	02/10/88	53 FR 3992
NPRM Comment Period End	04/20/88	53 FR 3992
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4540**

RIN: 1029–AB04

1265. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM-OWNERSHIP AND CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773

Legal Deadline: None

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	11/04/87	52 FR 37164
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew F. DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA56

1266. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773, (Revision); 30 CFR 843

Legal Deadline: None

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	10/24/86	51 FR 33905
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA66

1267. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 778

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778 which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 20032
NPRM Comment Period End	08/06/87	52 FR 20032
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA96

1268. PERMANENT REGULATORY PROGRAM; REQUIREMENTS FOR PERMITS, INFORMATION ON HYDROLOGIC IMPACTS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 780.21(f); 30 CFR 784.14(e)

Legal Deadline: None

Abstract: The rule sets a life of permit as the parameter for the determination of the probable hydrologic consequences (PHC) of the proposed operation upon the quality and quantity of surface and groundwater under seasonal flow conditions for the proposed permit and adjacent areas. The rule repromulgates the suspended 1983 rules with an expanded preamble and record to support the rule language. This was requested by the Court as a result of litigation. The rule will result in lower costs to industry and a reduction in their information collection requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32764
NPRM Comment Period End	11/06/87	52 FR 32764
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1507

RIN: 1029–AB11

1269. SURFACE COAL MINING OPERATIONS; DEFINITION OF "IN CONNECTION WITH"

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785.21; 30 CFR 827.1

Legal Deadline: None

Abstract: The proposed rule would amend the regulations to clarify the circumstances under which coal preparation plants located outside of the permit area of a mine are subject to the performance standards and permitting requirements of the Surface Mining Control and Reclamation Act (SMCRA).

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23526
NPRM Comment Period End	08/08/88	53 FR 23526
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Stephen Sheffield, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5950**

RIN: 1029–AB08

1270. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES – REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Legal Deadline: None

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28012
NPRM Comment Period End	02/01/88	52 FR 37334
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-4561**

RIN: 1029–AA86

1271. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.49; 30 CFR 817.49

Legal Deadline: None

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	10/21/87	52 FR 39364
NPRM Comment Period End	12/30/87	52 FR 39364
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-1502**

RIN: 1029–AA79

1272. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Legal Deadline: None

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by court order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	52 FR 9644
NPRM Comment Period End	06/03/87	52 FR 9644
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1928**

RIN: 1029–AA64

1273. IMPROVIDENTLY ISSUED PERMITS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845

Legal Deadline: None

Abstract: This rule will clarify that OSMRE will not require the assessment of civil penalties for notices of violation or cessation orders issued to a permittee who has secured an improvidently issued permit from a State regulatory authority. OSMRE distinguishes this type of violation from an environmental violation, which would be treated differently. However, present rules do not address this type of violation, necessitating this rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5954**

RIN: 1029–AB20

1274. TENNESSEE PROGRAM AMENDMENT; SIGNIFICANT PERMIT REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 942.774

Legal Deadline: None

Abstract: The rule applies to the Federal program for Tennessee and would establish guidelines for determining whether a proposed revision to an existing coal mining permit is significant. Significant permit revisions are subject to public comment and hearing requirements. The rule would assist OSMRE in making consistent determinations concerning the significance of permit revisions in Tennessee. The rule is being proposed in response to a decision on a petition for rulemaking, submitted to the Director, OSMRE.

Timetable:

Action	Date	FR Cite
Notice of Decision on Petition for Rulemaking	03/05/87	52 FR 6827
NPRM	07/13/88	53 FR 26566
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-4560**

RIN: 1029–AB17

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1275. SUBSTANTIAL LEGAL AND FINANCIAL COMMITMENT

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 762.5

Legal Deadline: None

Abstract: The proposed rule would amend the definition of the phrase "substantial legal and financial commitments" as required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations. The definition will clarify what is needed for a determination of a "substantial legal and financial commitment" in a surface coal mining operation. Such a determination would exempt land from a designation as unsuitable for surface coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39186
NPRM Comment Period End	12/29/87	52 FR 39186
Final Action	07/13/88	53 FR 26582
Final Action Effective	08/12/88	53 FR 26582

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James M. Kress, Federal Land Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5145**

RIN: 1029–AB01

1276. PERMIT PROCESSING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773.11

Legal Deadline: None

Abstract: The proposed rule would require operators of surface coal mining operations who operated during the initial regulatory program without a permit to cease mining until they secure a permanent program permit. Only operators who held initial program permits may continue to operate after the Secretary has approved a State regulatory program, if they have submitted an application for a permanent program permit. The proposed rule responds to a remand of previously proposed regulation, in which the U.S. District Court concluded that the rule was inconsistent with the statute.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43174
NPRM Comment Period End	01/19/88	52 FR 43174
Final Action	04/07/88	53 FR 11606
Final Action Effective	05/09/88	53 FR 11606

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4561**

RIN: 1029–AB14

1277. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.102

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with Section 30 CFR 816.102(a) cannot be accomplished using Best Technology Currently Available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k). The regulation will require an undetermined information collection requirement on the regulatory authority, the cost of which has not been calculated.

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment Period End	01/07/88	52 FR 41666
Withdrawn	06/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Ralph McDonald, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029–AB10

1278. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Legal Deadline: None

Abstract: The proposed rule would define an "abandoned site" and address the inspection frequency for those sites. The rule would enable regulatory authorities to allocate inspector resources to ongoing operations where they are most needed by reducing the inspection frequency for abandoned sites as necessary to monitor conditions or changes of status without sacrificing environmental quality control.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32758
NPRM Comment Period End	11/30/87	52 FR 41471
Final Action	06/30/88	53 FR 24872
Final Action Effective	08/01/88	53 FR 24872

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Daniel E. Stocker, Chief, Section of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1314

RIN: 1029–AA67

1279. TEN DAY NOTICE REVIEW CRITERIA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 842.11; 30 CFR 843.12

Legal Deadline: None

Abstract: The proposed rule would provide guidance to OSMRE in its evaluation of State responses to ten day notices. It would provide that OSMRE must accept a State's response as constituting appropriate action to cause a violation to be corrected or showing good cause for such failure, unless that response is arbitrary, capricious, or an abuse of discretion under the State program. The rule would also provide a mechanism whereby a State could seek informal review within OSMRE of an initial decision to inspect a mine site when OSMRE rejects the State's response to the ten day notice. The rulemaking is being proposed in response to a decision on a petition for rulemaking submitted to the Director, OSMRE.

Timetable:

Action	Date	FR Cite
Notice of Decision on Petition for Rulemaking	06/08/87	52 FR 21598
NPRM	09/09/87	52 FR 34050
NPRM Comment Period End	11/20/87	52 FR 41309
Final Action	07/14/88	53 FR 26728
Final Action Effective	08/15/88	53 FR 26728

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1314

RIN: 1029–AB12

1280. COLLECTION OF AML FEES - MOISTURE CONTENT OF COAL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 870

Legal Deadline: None

Abstract: The present regulations require the weight of coal (for the purpose of calculating the tonnage upon which the AML fee is calculated) to be determined at the point of first sale. This weight includes not only that of the saleable coal, but also that of the extraneous material including the moisture content. Recent action by the Internal Revenue Service (IRS) issued a revenue-ruling for the Black Lung Tax to allow for the deduction of a moisture content allowance from the tonnage upon which the Black Lung Tax is collected. The IRS decision to make this change in its regulations was based on a Federal court decision, Taft Coal Co. v. U.S., 605 F. Supp. 366, (N.D. Ala. 1984). OSMRE proposes to change the existing regulations to create a standard moisture allowance which would be consistent with that allowed by the IRS for the Black Lung Tax program. Regulations dealing with the basis upon which a tax or fee is assessed should be consistent for administrative convenience and equity to the coal operator. Federal action is required since OSMRE is directly responsible for collecting the AML fee and for establishing the regulations promulgating (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/18/87	52 FR 18680
NPRM Comment Period End	08/07/87	52 FR 27419

Action	Date	FR Cite
Final Action	05/27/88	53 FR 19718
Final Action Effective	07/01/88	53 FR 19718

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: standards under which the fee is collected. The regulations in question are specific to the responsibilities of the Department of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. The regulation will be changed to include a moisture content allowance. Standards will be developed to establish a percentage allowance consistent with the IRS approach for the Black Lung Program and with industry technical standards for moisture content calculation.

Agency Contact: Jane Robinson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-2853**

RIN: 1029–AB03

1281. CALIFORNIA FEDERAL PROGRAM

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 905

Legal Deadline: None

Abstract: The proposed rule would establish a Federal program for the State of California. Under the Federal program, surface coal mining and reclamation operations in California will be subject to the OSMRE's permanent program requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39594
NPRM Comment Period End	12/31/87	52 FR 39594
Final Action	07/13/88	53 FR 26570
Final Action Effective	08/12/88	53 FR 26570

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Pat Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4561**

RIN: 1029–AB05

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Proposed Rule Stage

1282. PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Legal Authority: 43 USC 387; 31 USC 483(a)

CFR Citation: 43 CFR 429.3(a), (Revision); 43 CFR 429.3(d), (New); 43 CFR 429.6(c), (Revision)

Legal Deadline: None

Abstract: These changes to 43 CFR 429 will provide greater flexibility in determining the value of low value uses by third parties of lands administered by the Bureau of Reclamation. Currently an appraisal is required to provide the use value. A periodic review of the value of the use will also be provided. And finally, the authority of Reclamation's regional directors to modify or waive the values to be recovered is further clarified.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Edwin W. Cramer, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 776-8314**

RIN: 1006–AA18

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Final Rule Stage

1283. ACREAGE LIMITATION RULES AND REGULATIONS

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: None

Abstract: This rule will be revised to incorporate amendments to the Reclamation Reform Act included in PL 100-203 (Omnibus Budget Reconciliation Act of 1987).

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21857
NPRM Comment Period End	07/11/88	
Final Action	10/01/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Sectors Affected: All

Agency Contact: Gary Anderson, Acreage Limitation Specialist, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 776-8064**

RIN: 1006–AA17

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1284. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB20

1285. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2200

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dave Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB28

1286. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB10

1287. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004–AB00

1288. ● RIGHTS-OF-WAY, TRESPASS, AND LAW ENFORCEMENT - CRIMINAL

Legal Authority: 16 USC 433; 16 USC 4601-6a; 16 USC 670j; 16 USC 1246(i); 16 USC 1338; 18 USC 1851 to 1861; 43 USC 315(a); 43 USC 1061; 43 USC 1181a; 43 USC 1732; 43 USC 1733; 43 USC 1740; 43 USC 1761 to 1771; 43 USC 1063; 43 USC 1181b

CFR Citation: 43 CFR 2800; 43 CFR 2810; 43 CFR 2880; 43 CFR 9230; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend the existing regulations to address administrative costs associated with trespass resolution and to establish penalties for willful right-of-way trespass.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Oscar Anderson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004–AB46

1289. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004–AA98

1290. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Legal Deadline: None

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the leasing of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA73

1291. ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3162; 43 CFR 3164.1(b)

Legal Deadline: None

Abstract: This Order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The Order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB37

1292. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The Order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA66

1293. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM - Second	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA67

1294. ● ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Division Chief, Fluid Mineral Lease & Reservoir Management, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-2133

RIN: 1004–AB47

1295. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB32

1296. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB18

1297. SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

Abstract: Existing regulations permit timber export and purchase volumes to "rachet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lyndon Werner, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB34

1298. ● COAL EXPLORATION AND MINING OPERATIONS RULES

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400; 43 CFR 3410; 43 CFR 3440; 43 CFR 3450; 43 CFR 3460; 43 CFR 3470; 43 CFR 3480

Legal Deadline: None

Abstract: This rule will revise the exploration and mining operations regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB44

1299. MANAGEMENT OF EXISTING LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 521 to 531; 30 USC 1201 et seq

CFR Citation: 43 CFR 3450

Legal Deadline: None

Abstract: This rule would eliminate the right of a lessee to object to readjusted lease terms and conditions that are mandated by law or required by regulation, and also would make the readjusted royalty and rental rates effective as of the date of the lease readjustment, regardless of whether there is a subsequent appeal of the readjusted terms and conditions.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46499
NPRM Comment Period End	01/07/88	52 FR 46499
NPRM - Second	10/00/88	
NPRM Public Comment Period End	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry W. Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB38

1300. COAL EXPLORATION AND MINING OPERATIONS RULES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 1201 et seq

CFR Citation: 30 CFR 3480

Legal Deadline: None

Abstract: This regulation will remove from the existing regulations language that provides that a suspension of a coal lease does not suspend the diligent development requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB42

1301. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3590

Legal Deadline: None

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices

relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AA68

1302. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Propose Rulemaking	12/27/82	47 FR 57521
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Condit, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB04

1303. MINING CLAIMS UNDER THE GENERAL MINING LAW - NATURE AND CLASSES OF MINING CLAIMS ASSESSMENT WORK

Legal Authority: 43 USC 1732 to 1733; 30 USC 28 - 1 - 2; 30 USC 26; 30 USC 33; 43 USC 1782

CFR Citation: 43 CFR 3800; 43 CFR 3840; 43 CFR 3850

Legal Deadline: None

Abstract: This rulemaking will amend the existing regulations to include the criteria for the standard of discovery as applied to oil shale placer mining claims and provide clarification of what constitutes substantial compliance with assessment work requirements under the Mining Law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Condit, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB43

1304. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 3809; 43 CFR Subpart 3833

Legal Deadline: None

Abstract: The rule would make amendments to the regulatory provisions dealing with the surface management of mining claims to incorporate changes recommended by a task force that studied this area.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rick Deery, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB36

1305. SALES OF FOREST PRODUCTS; CONDUCT OF SALES

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will amend the existing regulations to specify the conditions under which the provisions of this subpart are applicable to contracts that are not completed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lyndon Werner, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB39

1306. SALES OF FOREST PRODUCTS; AWARD OF CONTRACT

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400; 43 CFR 5450

Legal Deadline: None

Abstract: This rule will amend the existing regulations as they relate to timber sale contract performance bonds to discourage bidding at such a rate that the bidder, if awarded the contract, would be unable to perform under the terms of the contract.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lyndon Werner, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB40

1307. ● AWARD OF CONTRACT; SALES ADMINISTRATION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450; 43 CFR 5460

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning timber sale contract performance bonds and

payments to encourage responsible bidding at such a rate that the bidder, if awarded the contract, would be able to perform the obligations under the contract.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lyndon A. Werner, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-8864

RIN: 1004–AB49

1308. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA69

1309. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004–AA27

1310. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bob Schneider, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA35

1311. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004–AB07

1312. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004–AA38

1313. ● LAW ENFORCEMENT, CRIMINAL

Legal Authority: 18 USC 1852; 18 USC 1853; 43 USC 1753

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning the unlawful removal of forest products from public lands. Existing regulations rely on State statutes in those States with statutes, but little support is

provided if State statutes do not exist. This regulation would provide this support and improve overall management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Ryan, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-8864

RIN: 1004–AB48

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1314. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39542
NPRM Comment Period End	12/21/87	52 FR 39542
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jim Paugh, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB19

1315. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4 - MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards. This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	02/03/88	53 FR 3158
NPRM Comment Period End	04/04/88	
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA96

1316. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30310
NPRM Comment Period End	10/13/87	
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB21

1317. ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq.; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30282
NPRM Comment Period End	10/13/87	
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of

DOI—BLM

Final Rule Stage

Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB24

1318. ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	02/03/88	53 FR 3168
NPRM Comment Period End	04/04/88	
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB22

1319. ● FEES, RENTS, AND ROYALTIES

Significance: Agency Priority

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3473.3-2(a)(3)

Legal Deadline: None

Abstract: This rule will revise the royalty rate for coal removed from an underground mine to be a fixed percentage in the range limited by 5 percent and 8 percent.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28822
NPRM Comment Period End	09/28/88	
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB45

1320. CONDUCT OF SALES (TIMBER)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5440

Legal Deadline: None

Abstract: This rule would amend the existing regulations to define more precisely when someone may be disbarred from participating in a timber sale and would provide notice and opportunity for a hearing to those who are subject to debarment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28830
NPRM Comment Period End	10/05/87	52 FR 28830
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lyndon Werner, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB35

1321. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27017
NPRM Comment Period End	09/15/87	52 FR 27017
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 2661, Main Interior Bldg., Washington, DC 20240, 202 343-9353

RIN: 1004–AB26

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Completed Actions

1322. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Legal Deadline: None

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc.) to an Automated Records System.

Timetable:

Action	Date	FR Cite
Withdrawn -- BLM determined this rule not needed	08/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Butterfield, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA77

1323. OIL AND GAS LEASING AND GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 1820; 43 CFR 3040; 43 CFR Group 3100; 43 CFR Group 3200

Legal Deadline: None

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/12/87	52 FR 22592
NPRM Comment Period End	08/11/87	52 FR 22592
Final Action	05/16/88	53 FR 17340
Final Action Effective	06/15/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004–AA97

1324. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Legal Deadline: None

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources. As a result of comments and a study by a special task force, several alternatives for bonding have been identified. These alternatives will be addressed in a second proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
Absorbed into RIN 1004-AA97	05/16/88	53 FR 17340

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rob Cervantes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004–AB13

1325. OIL AND GAS LEASING - FEES, RENTALS AND ROYALTIES

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None

Abstract: This rule would amend the existing regulations to maintain all noncompetitive lease rentals at $1 per acre per year. This change would primarily be applicable to those noncompetitive leases that are later determined to be included in a known geologic structure.

Timetable:

Action	Date	FR Cite
Absorbed into RIN 1004-AB41	06/17/88	53 FR 22814

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004–AB31

1326. OIL AND GAS LEASING COMPETITIVE LEASES

Significance: Agency Priority

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq; PL 97-35; PL 100-203

CFR Citation: 43 CFR 3100; 43 CFR 3120

Legal Deadline: Final, Statutory, June 23, 1988.

Abstract: This rulemaking action will provide the procedures for the regulatory implementation of the Federal Onshore Oil and Gas Leasing Reform Act passed by the Congress as part of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9214
NPRM Comment Period End	04/21/88	
Final Action	06/17/88	53 FR 22814
Final Action Effective	06/17/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Robert C. Bruce - 202 343-8735

Agency Contact: Jeff Zabler, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2182

RIN: 1004–AB41

1327. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315a to 315r; 43 USC 1701 et seq; 43 USC 118(d); 43 USC 1901 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None

Abstract: The amendment made by this rulemaking would bring the existing regulations into compliance with the decision in Natural Resources Defense Council, Inc. v. Hodel, et al., No. CIV. S-84-616 RAR (1985). It also would update the existing regulations to have them conform to recent grazing policy changes.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 19032
NPRM Comment Period End	08/19/87	52 FR 27321
Final Action	03/29/88	53 FR 10224
Final Action Effective	04/28/88	

Small Entities Affected: Undetermined

DOI—BLM

Completed Actions

Government Levels Affected: Undetermined

Agency Contact: Billy R. Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9195

RIN: 1004–AB23

1328. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Legal Deadline: None

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
Withdrawn -- not necessary at this time	07/20/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9202

RIN: 1004–AB09

1329. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Legal Deadline: None

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37555
NPRM Comment Period End	11/15/85	50 FR 37555
Final Action	03/31/88	53 FR 10394
Final Action Effective	05/02/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gary Marsh, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA36

BILLING CODE 4310-84-T

[FR Doc. 88–20664 Filed 10–21–88; 8:45 am]

federal register

Monday
October 24, 1988

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1988 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR Part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 88-15, June 24, 1988.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue, NW., Washington, DC 20530 (202-633-3123).

Dated: September 7, 1988.

Harry H. Flickinger,

Assistant Attorney General for Administration.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1330	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03

Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1331	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Justice Programs	1190-AA16

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1332	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures	1103-AA18

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1333	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair (Cont)	1103-AA14
1334	Procedures for Tax Refund Offsets for the Collection of Judgments	1103-AA16
1335	Justice Acquisition Regulations Title 48 2870 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA17
1336	Aliens and Nationality, Asylum and Withholding of Deportation Proceedings	1103-AA19

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1337	Representation and Appearances	1103-AA05
1338	Implementation of the Program Fraud Civil Remedies Act of 1986	1103-AA15

DOJ

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1339	Nonimmigrant Classes, Special Requirements	1115-AA65
1340	Application for Verification of Information from INS Service Records; Form and Fee Cancellation	1115-AA66
1341	Establishment of National Fines Office	1115-AA73
1342	Acceptance by Overseas Immigration and Naturalization Service Officers and American Consulates of Jurisdiction of Relative Petitions based on Residence of Petitioners	1115-AB01
1343	Notice of Availability of Preliminary Working Drafts of Replenishment Agricultural Workers Regulations	1115-AB05
1344	INS/EOIR Fee Review	1115-AB11

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1345	Asylum Procedures	1115-AA13
1346	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1347	Powers and Duties of Service Officers; Availability of Service Records	1115-AA21
1348	Nonimmigrant Classes; Temporary Employees	1115-AA25
1349	Powers and Duties of Service Officers; Availability of Service Records	1115-AA28
1350	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1351	Adjustment of Status to That of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1352	Applicant Processing for the Legalization Program; Conforming Amendments	1115-AA39
1353	Bonds	1115-AA41
1354	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AA44
1355	State Employment Agencies	1115-AA50
1356	Adjustment of Status for Certain Aliens	1115-AA52
1357	Display of Control Numbers	1115-AA54
1358	Temporary Disqualification of Certain Newly Legalized Aliens from Receiving Benefits from Federal Programs of Financial Assistance	1115-AA55
1359	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AA59
1360	Certificate of Citizenship	1115-AA67
1361	Nonimmigrant Classes; Special Requirements for Admission; Extension and Maintenance of Status	1115-AA68
1362	Equal Treatment of Fathers	1115-AA76
1363	Immigration User Fee, Conforming Amendments	1115-AA81
1364	Special Agricultural Workers	1115-AA83
1365	Change of Nonimmigrant Classification	1115-AA87
1366	Contracts with Transportation Lines	1115-AA88
1367	Revision of Regulations Regarding the Seizure and Forfeiture of Conveyances	1115-AA95
1368	Adjustment of Status for Certain Aliens	1115-AA97
1369	Documentary Requirements; Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AB00
1370	Special Agricultural Workers	1115-AB03
1371	Alien Commuters	1115-AB08

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1372	Seizure and Forfeiture of Vehicles, Vessels and Aircraft	1115-AA26
1373	Inspection of Persons Applying for Admission	1115-AA27
1374	Marriage Fraud Amendment Regulations	1115-AA32
1375	Detention and Release of Juveniles	1115-AA53
1376	Special Agricultural Workers	1115-AA57
1377	Definitions of Felony and Misdemeanor	1115-AA58
1378	Revision of Field Office Listing	1115-AA60
1379	Adjustment of Status for Certain Aliens	1115-AA64
1380	Prevention of Unauthorized Landing of Aliens, by Owners and Operators of Railroad Lines, International Bridges, or Toll Roads	1115-AA72

DOJ

Immigration and Naturalization Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1381	Visa Waiver Pilot Program	1115-AA75
1382	Rule Revision to Add New Special Immigrant and Nonimmigrant Classifications	1115-AA80
1383	Public Notice -- Change in Asylum Adjudications	1115-AA94
1384	Direct Mail of Applications and Petitions to the Regional Service Center in San Ysidro, California	1115-AA98
1385	Public Notice, Notice of Proposed Solicitation	1115-AB02
1386	Immigration Forms and Nationality Forms	1115-AB04
1387	Certification of State Governments as Qualified Designated Entities	1115-AB06
1388	Statement of Organization: Ports of Entry for Aliens Arriving by Vessel or by Land Transportation	1115-AB07
1389	Powers and Duties of Service Officers; Availability of Service Records; Authority of District Director and Visa Petitions	1115-AB09
1390	Inspection of Persons Applying for Admission	1115-AB10

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1391	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1392	Criminal Intelligence Systems Operating Policies	1121-AA12

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1393	Equal Employment Opportunity Program Guidelines	1121-AA10
1394	Nondiscrimination in Federal Assisted Programs -- Implementation of Section 809 (c) (1) of the Justice Assistance Act of 1984	1121-AA11
1395	Criminal Justice Information Systems	1121-AA13

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Civil Rights Division (CRT)

1330. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I, (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation. On August 12, 1987 DOJ submitted to HHS a draft final regulation.

DOJ—CRT **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Doreen Dennis, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2219

RIN: 1190–AA03

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Completed Actions

1331. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

CFR Citation: 28 CFR 42

Completed:

Reason	Date	FR Cite
Final Action	02/04/88	53 FR 3203
Final Action Effective	03/07/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Merrily Raffa 202 724-2216

RIN: 1190–AA16

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1332. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

Legal Authority: EO 12356

CFR Citation: 28 CFR 17

Legal Deadline: None

Abstract: To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, General Administration, 10th & Constitution Avenue, NW, Washington, DC 20530, 202 633-2094

RIN: 1103–AA18

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1333. RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR (CONT)

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 554; 8 USC 1103; 8 USC 1324a; 8 USC 1324b

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: These regulations will provide the rules of practice and procedure in administrative hearings regarding allegations of unlawful hiring, recruiting or referring for a fee, for employment in the United States of aliens, knowing that the aliens are not authorized to work in the United States, or the continued employment of aliens in the United States knowing the aliens are (or have become) unauthorized to work in the United States, failure to comply with the employment verification requirements and unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/87	52 FR 44972
Final Action	11/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Immigration-Related Employment Practices

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA14

1334. PROCEDURES FOR TAX REFUND OFFSETS FOR THE COLLECTION OF JUDGMENTS

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The proposed regulation will establish procedures for referring to the Department of the Treasury debts for collection by offset against Federal income tax refunds. Authority to do this

DOJ—DOJADM

Final Rule Stage

program expired on June 30, 1988. In limbo at present time pending Congress' action on authorization to extend offset authority. If Congress approves authorization to extend offset authority, we will follow up with necessary action.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	
NPRM Comment Period End	07/13/88	53 FR 22026
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert C. Niffenegger, Department of Justice, General Administration, 10th Street and Constitution Avenue, NW, Washington, DC 20530, 202 633-5345

RIN: 1103–AA16

1335. JUSTICE ACQUISITION REGULATIONS TITLE 48 2870 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 48 CFR 2870, (New); 48 CFR 2852.270-1

Legal Deadline: None

Abstract: These rules will prohibit discrimination against the handicapped in agency programs or activities conducted by contractors. The rules will not have a significant cost impact on contractors but will enhance services to the handicapped and prevent discrimination.

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17729
NPRM Comment Period End	06/18/88	53 FR 17729
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. L. Vann, Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 6406, Washington, DC 20530, 202 272-8354

RIN: 1103–AA17

1336. ● ALIENS AND NATIONALITY, ASYLUM AND WITHHOLDING OF DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208.10

Legal Deadline: None

Abstract: The proposed regulation change would make certain grounds for the mandatory denial of asylum claims, such as certain serious criminal convictions, applicable in deportation and exclusion proceedings. It would clarify the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of the alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	53 FR 28231
Final Action	11/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA19

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1337. REPRESENTATION AND APPEARANCES

Significance: Agency Priority

CFR Citation: 8 CFR 292.1

Completed:

Reason	Date	FR Cite
Final Action	03/10/88	53 FR 7727
Final Action Effective	04/11/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103–AA05

1338. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

CFR Citation: 28 CFR 0; 28 CFR 71

Completed:

Reason	Date	FR Cite
Final Action	04/08/88	53 FR 11645
Final Action Effective	04/08/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Janis A. Sposato/Michael F. Hertz 202 633-3452

RIN: 1103–AA15

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

1339. NONIMMIGRANT CLASSES, SPECIAL REQUIREMENTS

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") proposes to restrict the types of situations under which an alien may

apply for an extension of stay as a nonimmigrant visitor for pleasure (B-2). Faced with ever-increasing adjudications caseloads and with resources which fail to keep pace with those increases, the Service must continually seek ways to carry out its responsibilities in a more efficient manner. By limiting the situations under which a visitor for pleasure may seek an extension of stay, the Service will decrease the amount of resources which must be dedicated to this area and will be able to increase its efforts in other areas having higher priority.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1029-88

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115–AA65

1340. APPLICATION FOR VERIFICATION OF INFORMATION FROM INS SERVICE RECORDS; FORM AND FEE CANCELLATION

Legal Authority: 8 USC 1103; 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") entertains numerous requests for Verification of Information from INS Service Records, via Form G-641. This form has been misused as a substitute document, while other INS documents are being prepared (i.e., I-94, I-551 or Certificate of Naturalization or Citizenship). Should an applicant need to have his or her status verified while waiting for one of these documents to be processed, and such verification can be satisfied by obtaining a copy of a document (certified if necessary), an FOIA/PA request can be made. If verification is needed to obtain a benefit and a copy will not suffice, the agency needing verification can make a direct request to the INS and it will be handled as appropriate. Discontinuing the use of Form G-641 will also eliminate the need to request Form G-350, Certification of Birth Data. Requests for this document are minimal since foreign-born children are issued an alien registration receipt card or a citizenship document by INS and no other form of identification should be necessary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1044-88

Agency Contact: Ramonia Law-Hill, Information Management Specialist, Department of Justice, Immigration and Naturalization Service, **202 633-2552**

RIN: 1115–AA66

1341. ESTABLISHMENT OF NATIONAL FINES OFFICE

Legal Authority: PL 99-591

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: This rule establishes a centralized handling of administrative fines; department established as a precursor of National Collections office. Removes workload from district examiners.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
NPRM Comment Period End	09/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1108-88

Agency Contact: Daniel J. Stephan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-2680**

RIN: 1115–AA73

1342. ACCEPTANCE BY OVERSEAS IMMIGRATION AND NATURALIZATION SERVICE OFFICERS AND AMERICAN CONSULATES OF JURISDICTION OF RELATIVE PETITIONS BASED ON RESIDENCE OF PETITIONERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This amendment revises and clarifies the process used by overseas INS offices and American consulates in accepting jurisdiction of Forms I-130, petitions for alien relatives.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INS Number 1055-88

Agency Contact: Yolanda Sanchez-K, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-5014**

RIN: 1115–AB01

1343. ● NOTICE OF AVAILABILITY OF PRELIMINARY WORKING DRAFTS OF REPLENISHMENT AGRICULTURAL WORKERS REGULATIONS

Legal Authority: PL 99-603

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: Section 210A of the Immigration Reform and Control Act of 1986 provides for the admission or adjustment of replenishment agricultural workers (RAWs) to temporary residence. This notice announces the availability to the public of a preliminary working draft of the proposed regulations for the admission or adjustment of a RAW to temporary resident status. This action is taken to communicate the availability of the preliminary working draft to interested parties and ensure that the public has an opportunity to provide comments at the preliminary working draft step in the formulation process for the Service's proposed regulations.

DOJ—INS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Comments due date	09/14/88	53 FR 30686
NPRM	01/00/89	

Availability

Public Notice–Notice of 08/15/88 (53 FR 30685)

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1119-88

Agency Contact: **Aaron Bodin**, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, 425 Eye Street NW, Washington, DC 20536, **202 786-5723**

RIN: 1115–AB05

1344. ● INS/EOIR FEE REVIEW

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to amend the existing fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	
NPRM Comment Period End	11/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number F-88

Agency Contact: **Charles S. Thomason, Jr.**, Systems Accountant, Finance Branch, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-4705**

RIN: 1115–AB11

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Final Rule Stage

1345. ASYLUM PROCEDURES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f); 8 CFR 3

Legal Deadline: None

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32552
NPRM Comment Period End	10/27/87	52 FR 32552
Final Action	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: DOJ Order Number 1211-87

Agency Contact: **Ralph B. Thomas**, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-5463**

RIN: 1115–AA13

1346. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.7(d)

Legal Deadline: None

Abstract: This final rule outlines requirements for approval of section 212(k) waivers, including an amended I-193 for use in making the application.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harvey Adler, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2725**

RIN: 1115–AA19

1347. ● POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103; Office of Management and Budget Circular A-25

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service. This change will add fees for two new forms created as a result of the Immigration Marriage Fraud Amendments of 1986 (IMFA). These forms are the Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status (Form I-751) and the Application for Waiver of Requirement to File Joint Petition for Removal of Conditions (Form I-752). The proposed charges reflect the estimated cost of providing the benefits and services to the public, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2426
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number E-88

DOJ—INS

Final Rule Stage

Agency Contact: Michael Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-3946**

RIN: 1115–AA21

1348. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to provide permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15) (H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1008-88

Agency Contact: Michael L. Aytes, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3946**

RIN: 1115–AA25

1349. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)

Legal Deadline: None

Abstract: This proposed rule would authorize a district director to withhold adjudication of a visa petition or application when determined necessary to pursue a criminal investigation.

Timetable:

Action	Date	FR Cite
NPRM	05/30/86	51 FR 19559
NPRM Comment Period End	07/29/86	51 FR 19559
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3197**

RIN: 1115–AA28

1350. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number C-88

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2895**

RIN: 1115–AA29

1351. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257; 8 USC 1259

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2

Legal Deadline: None

Abstract: This interim rule will implement sections 117, 202, and 203 of the Immigration Reform and Control Act of 1986. Section 107 contains prohibitions on adjustment of lawful permanent resident status by certain individuals. Section 202 provides for adjustment to lawful permanent resident status by certain nationals of Cuba and Haiti. Section 203 changes the registry date for creation of record of lawful permanent residence from June 30, 1948 to January 1, 1972.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/03/87	52 FR 6320
Correction of legal citation	04/27/87	52 FR 13827
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1003-87

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3320**

RIN: 1115–AA31

DOJ—INS

Final Rule Stage

1352. ● APPLICANT PROCESSING FOR THE LEGALIZATION PROGRAM; CONFORMING AMENDMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 66 Stat 173; 66 Stat 191; 66 Stat 223; ...

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 264; 8 CFR 299

Legal Deadline: None

Abstract: This rule proposed to amend certain regulations to conform to proposed regulation changes published at 53 FR 29804, 8-8-88. These provisions relate to the processing of applicants for permanent residence under the Legalization Program as authorized by the Immigration Reform and Control Act of 1986 (IRCA). The Service published conforming amendment regulations at 52 FR 16205, May 1, 1987. This rule affects some of these regulations.

Timetable:

Action	Date	FR Cite
Phase I of IRCA Final Rule	05/01/87	52 FR 16190
NPRM	08/08/88	53 FR 29818
NPRM Comment Period End	09/07/88	53 FR 29818
Final Action Effective	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1020R-88. This proposed rule initiates Phase II of the IRCA program which was initiated in 1987. Phase I activities were presented in the FR at the following citations: 52 FR 8740, 3-19-87 and 52 FR 16190, 5-1-87.

Agency Contact: Terrance O'Reilly, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 786-3658**

RIN: 1115–AA39

1353. BONDS

Legal Authority: 5 USC 552(A); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to eliminate surety bonds as acceptable security on immigration appearance, public charge, and maintenance of status and departure bonds. This change is necessary to increase alien appearances and minimize dollar losses to the U.S.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24475
NPRM Comment Period End	07/31/87	52 FR 24475
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1036-87

Agency Contact: Wanda LaBay, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, **202 376-2854**

RIN: 1115–AA41

1354. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Legal Authority: 8 USC 1101

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The proposed rule amends regulations of the INS relating to Temporary Alien Workers seeking classification under section 101(a) (15) (H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Final Action	11/30/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1040-88

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3240**

RIN: 1115–AA44

1355. STATE EMPLOYMENT AGENCIES

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; PL 99-603

CFR Citation: 8 CFR 274a.6

Legal Deadline: None

Abstract: This interim rule amends the regulations at 8 CFR 274a.6, defining procedures for State employment agencies in verifying the identity and employment eligibility of individuals and certifying verifications to employers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/87	52 FR 43050
Effective date of Interim Rule	11/09/87	52 FR 43050
Comment period closes on Interim Rule	01/08/88	52 FR 43050
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS Number 1046-87

Agency Contact: Christopher Pohl, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, **202 633-4495**

RIN: 1115–AA50

1356. ● ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Significance: Regulatory Program

Legal Authority: 8 USC 1101; PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 245a

Legal Deadline: Other, Statutory, July 7, 1988.

Abstract: Section 201 of the Immigration Reform and Control Act of 1986 (IRCA) provides for the legalization of certain aliens who have been residing illegally in the United States since before January 1, 1982. This section directs the Attorney General to adjust the status of a temporary resident alien to that of an alien

lawfully admitted for permanent residence if the alien meets certain requirements. This proposed rule addresses the adjustment of status of temporary resident aliens lawfully admitted for permanent residence.

Timetable:

Action	Date	FR Cite
Phase I of IRCA Final Rule	05/01/87	52 FR 15205
NPRM	08/08/88	53 FR 29804
NPRM Comment Period End	09/07/88	53 FR 29804
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1022R-88 This proposed rule initiates Phase II of the IRCA program which was initiated in 1987. Phase I activities were presented in the FR at the following citations: 52 FR 8752, 3-19-87 and 52 FR 16205, 5-1-87.

Agency Contact: Terrance O'Reilly, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 786-3658**

RIN: 1115–AA52

1357. DISPLAY OF CONTROL NUMBERS

Legal Authority: 66 Stat. 173; 8 USC 1103

CFR Citation: 8 CFR 299.5

Legal Deadline: None

Abstract: A new Section 299.5 is being added to 8 CFR Part 299. The new section, titled Display of Control Numbers, will allow the Immigration and Naturalization Service (Service), to compile, in one centralized location within its regulations, a listing of all current Service public use forms and their respective control numbers as assigned by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The consolidated identification of public use forms will enable both Service officials and the public to easily identify those public use forms in current use by the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1045-88

Agency Contact: Sharon A. Andrade, Management Analyst, Department of Justice, Immigration and Naturalization Service, **202 633-3291**

RIN: 1115–AA54

1358. TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM RECEIVING BENEFITS FROM FEDERAL PROGRAMS OF FINANCIAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 8 USC 1101 (Note); PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This proposed rule implements section 245A of the Immigration and Nationality Act ("ACT"), as amended by section 201 of the Immigration Reform and Control Act of 1986, PL 99-603 ("IRCA"). Section 245A(h) of the Act provides that, with certain exceptions, aliens granted lawful temporary resident status pursuant to section 245A(a) are not eligible for a period of five years after such grant to receive benefits from programs of financial assistance furnished under Federal law on the basis of financial need. The Attorney General is required by section 245A(h)(1)(A)(i) of the Act to identify such programs after consultation with other appropriate heads of the various departments and agencies of Government. This proposed rule implements such provision.

Timetable:

Action	Date	FR Cite
NPRM	08/24/87	52 FR 31784
NPRM Comment Period End	09/23/87	52 FR 31784
Final Action	10/30/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: INS Number 1038-88

Agency Contact: Paul W. Virtue, Deputy General Counsel, Department of Justice, Immigration and Naturalization Service, **202 633-2656**

RIN: 1115–AA55

1359. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Legal Authority: 8 USC 1103; 8 USC 1182

CFR Citation: 8 CFR 212.1(e)(3)

Legal Deadline: None

Abstract: This rule amends the listing of countries, for which transit without visa privileges is unavailable, to include Syria.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1013-88

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, **202 633-4033**

RIN: 1115–AA59

1360. CERTIFICATE OF CITIZENSHIP

Legal Authority: PL 99-653; 8 USC 1103; 8 USC 1409(c); 8 USC 1434; 8 USC 1444; 8 USC 1448; 8 USC 1452; 8 USC 1455

CFR Citation: 8 CFR 341

Legal Deadline: None

Abstract: This rule change will implement section 22 of P.L. 99-653, the Immigration and Nationality Act Amendments of 1986, regarding issuance of certificates of citizenship for adopted children. The effect of this rule change is to facilitate acquisition of United States citizenship by adopted alien children once they enter the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13229

Action	Date	FR Cite
Notice of Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1007-88

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA67

1361. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION; EXTENSION AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101 (a)(15)(B); 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to set forth, in regulatory form, the special requirements for admission, extension and maintenance of status of nonimmigrant alien visitors for business and visitors for pleasure. Much of the Service's written policy relating to this subject is now contained in the Service's Operations Instructions at O.I. 214.2(b). Because it is more appropriate for interpretations and rules to be set forth in regulatory form, this information will become part of 8 CFR 214. In addition, the proposed rulemaking will clarify the criteria for according B-1 classification to members of certain occupations (such as participants in religious programs and members of foreign film crews). By issuing this advance notice, the Service is providing an opportunity to the public to submit comments and make suggestions at an earlier stage of the process. This will result in a proposed rule which is more comprehensive in its scope and more understandable to the public.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/87	52 FR 36783
ANPRM Comment Period End	11/16/87	52 FR 36783
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1025-87

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3946

RIN: 1115–AA68

1362. EQUAL TREATMENT OF FATHERS

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This revision is to assist in the implementation of PL 99-603, the Immigration Reform and Control Act of 1986, which recognizes, for preference petition purposes, the relationship between a biological father and his illegitimate child.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1049-87

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA76

1363. IMMIGRATION USER FEE, CONFORMING AMENDMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1356; PL 99-591

CFR Citation: 8 CFR 232; 8 CFR 233; 8 CFR 235; 8 CFR 237; 8 CFR 238; 8 CFR 239; 8 CFR 271; 8 CFR 273; 8 CFR 280; 8 CFR 299

Legal Deadline: None

Abstract: Section 101(b) subsection 205 of the Department of Justice Appropriation Act, 1987 (PL 99-591) establishes the collection, payment, and remittance of a specific user fee for the Immigration inspection or preinspection of passengers (with certain exceptions) arriving in the U.S. aboard commercial aircraft or commercial vessels. Subsection 206 of PL 99-591 places the responsibility for physical custody of excludable aliens pursuant to former section 233 of the I & N Act of 1952, as amended on the INS. This proposed rule addresses this change from carrier responsibility to INS responsibility. This rule would also amend present regulations to conform to statutory deletions and amendments.

Timetable:

Action	Date	FR Cite
NPRM	01/22/88	53 FR 1791
NPRM Comment Period End	03/22/88	53 FR 1791
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1037-88

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 202 633-4705

RIN: 1115–AA81

1364. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 note; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 8 USC 1182; 8 USC 1252; 8 USC 1362; ...

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 242

Legal Deadline: None

Abstract: This rule implements a new amendment to section 210 of the INA by deleting the entry cut-off date for eligibility to file applications under section 210 in the United States; and establishing standards and procedures for processing "preliminary applications" at designated ports of entry on the southern land border. This rule clarifies and makes various grammatical and technical amendments to the regulations governing the Special Agricultural Worker Program including changes necessitated by the new amendments to section 210. The rule defines the term "preliminary application"; deletes the limitation on the authority of District Directors to

deny applications at legalization offices; deletes the filing date requirement for eligible aliens apprehended prior to the application period; clarifies the provision concerning where appeals under Part 210 are to be filed; deletes the references to issuance of an Order to Show Cause and Warrant of Arrest in cases where the United States Attorney declines prosecution; clarifies the provision requiring notification of decisions to the applicant's representative; confirms that Special Agricultural Worker (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/88	53 FR 10062
Comment period closes	04/28/88	53 FR 10062

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1101-88

ADDITIONAL ABSTRACT: (SAW) applicants are permitted to travel outside the United States and reenter upon the presentation of a valid unexpired Form I-688A; provides for eligible applicants to be issued the Temporary Resident Card at any Legalization Office; and, deletes the transitional admission.

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers (SAW), Department of Justice, Immigration and Naturalization Service, 202 786-3658

RIN: 1115–AA83

1365. CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1257; 8 USC 1258

CFR Citation: 8 CFR 248

Legal Deadline: None

Abstract: This rule change will implement section 312 of PL 99-603, the Immigration Reform and Control Act of 1986, to facilitate an application for a change to nonimmigrant (N) status while in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Effective Date	11/06/86	52 FR 11621
Interim Final Rule	05/11/87	52 FR 11621
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1000-87

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA87

1366. CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238

Legal Deadline: None

Abstract: This rule amends the listing of transportation lines which have entered into agreements with the INS for the preinspection of their passengers and crew at locations outside the United States.

Timetable:

Action	Date	FR Cite
Update listing as required quarterly, bi-annually, or annually	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1041-88

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-4033

RIN: 1115–AA88

1367. REVISION OF REGULATIONS REGARDING THE SEIZURE AND FORFEITURE OF CONVEYANCES

Legal Authority: 8 USC 1103; 8 USC 1324(b)

CFR Citation: 8 CFR 274

Legal Deadline: None

Abstract: The rule revises the extant regulations regarding (conveyances seizures and forfeitures) by the INS. It clarifies and amends the regulations to reflect changes in the authorizing statute, section 274(b) of the Immigration and Nationality Act (8 USC 1324(b)), and applicable provisions of regulations of the Department of Justice in 28 CFR Part 9.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1061-87

Agency Contact: David Yost, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-2554

RIN: 1115–AA95

1368. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 (Note); PL 100-204; 101 Stat. 1331

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This rule amends the regulations published in the Federal Register at 52 FR 16205 on May 1, 1987, and 52 FR 43843 published on November 17, 1987. The rule further provides for another class of eligible aliens, specifically, certain nationals of countries for which extended voluntary departure (EVD) was made available at any time during the 5 year period ending on November 1, 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/88	53 FR 9274
Comment period closes	04/20/88	53 FR 9274
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1106-88

Agency Contact: Terrance M. O'Reilly, Deputy Assistant Commissioner,

DOJ—INS

Final Rule Stage

Department of Justice, Immigration and Naturalization Service, **202 786-3658**

RIN: 1115–AA97

1369. DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1252; 48 FR 8039; 8 CFR 2

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule expands the coverage of the waiver of inadmissibility of mentally retarded aliens seeking entry as nonimmigrants.

Timetable:

Action	Date	FR Cite
NPRM	02/05/88	53 FR 3403
NPRM Comment Period End	04/05/88	53 FR 3403
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1102-88

Agency Contact: Janice Podolny, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, **202 633-5594**

RIN: 1115–AB00

1370. ● SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat 3359; 8 USC 1101 note

CFR Citation: 8 CFR 210

Legal Deadline: None

Abstract: Section 210 (b) (3) (ii) of the Immigration Reform and Control Act of 1986 (IRCA) provides for the Attorney General to promulgate regulations relative to securing timely production of employment records from employers or farm labor contractors under the Special Agricultural Worker (SAW) program. This rule identifies Service procedures in securing SAW employment records.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27335
Effective date	07/20/88	53 FR 27335
Comments due to INS by	08/19/88	53 FR 27335
Final Action Effective	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1118-88

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, SAW, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536, **202 786-3658**

RIN: 1115–AB03

1371. ● ALIEN COMMUTERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257

CFR Citation: 8 CFR 211

Legal Deadline: None

Abstract: This rule amends 8 CFR 211.5 to provide that commuter aliens, in order to retain resident status, must demonstrate either that they have not been unemployed for a continuous period of six months or that they have worked ninety days, in the aggregate, during the twelve-month period preceeding their application for admission into the United States. The current regulations governing alien commuters provide for a loss of permanent resident status to commuters who have been out of regular employment in the United States for a continuous period of six months.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/88	53 FR 18259
Interim Final Rule Effective	05/23/88	53 FR 18259
Interim Final Rule Public Comment Period End	06/22/88	53 FR 18259
Final Action Effective	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1105-88

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5309**

RIN: 1115–AB08

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Immigration and Naturalization Service (INS)

1372. SEIZURE AND FORFEITURE OF VEHICLES, VESSELS AND AIRCRAFT

CFR Citation: 8 CFR 274

Completed:

Reason	Date	FR Cite
Duplicate of RIN 1115-AA95	08/26/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul Virtue 202 633-2656

RIN: 1115–AA26

1373. INSPECTION OF PERSONS APPLYING FOR ADMISSION

CFR Citation: 8 CFR 235.11

Completed:

Reason	Date	FR Cite
Withdrawn due to passage of PL 99-591, Sec 205	02/26/88	53 FR 5756

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles S. Thomason, Jr. 202 633-4705

RIN: 1115–AA27

1374. MARRIAGE FRAUD AMENDMENT REGULATIONS

Significance: Regulatory Program

CFR Citation: 8 CFR 204.1; 8 CFR 205.1; 8 CFR 211.1; 8 CFR 212.7; 8 CFR 214.2; 8 CFR 216.1; 8 CFR 216.2; 8 CFR 216.3; 8 CFR 216.4; 8 CFR 216.5; 8 CFR 223.2; 8 CFR 223a.4; 8 CFR 235.11; 8 CFR 242.7; 8 CFR 242.17; ...

Completed:

Reason	Date	FR Cite
Final Action	08/10/88	53 FR 30011
Final Action Effective	09/10/88	53 FR 30011

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul 202 633-3946

RIN: 1115–AA32

1375. DETENTION AND RELEASE OF JUVENILES

CFR Citation: 8 CFR 212; 8 CFR 242

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17449
Final Action Effective	05/17/88	53 FR 17449

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ruth Calhoun 202 633-4120

RIN: 1115–AA53

1376. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

CFR Citation: 8 CFR 210

Completed:

Reason	Date	FR Cite
Incorporated into RIN 1115-AA83	08/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Gerald Heinauer 202 633-4657

RIN: 1115–AA57

1377. DEFINITIONS OF FELONY AND MISDEMEANOR

CFR Citation: 8 CFR 245a

Completed:

Reason	Date	FR Cite
Final Action	03/28/88	53 FR 9862
Final Action Effective	03/28/88	53 FR 9862

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lori Scialabba 202 633-3197

RIN: 1115–AA58

1378. REVISION OF FIELD OFFICE LISTING

CFR Citation: 8 CFR 100.4(d); 8 CFR 337; 8 CFR 341

Completed:

Reason	Date	FR Cite
Final Action	06/23/88	53 FR 23603
Final Action Effective	06/23/88	53 FR 23603

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Raymond Jaroneski 202 633-1109

RIN: 1115–AA60

1379. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

CFR Citation: 8 CFR 245a

Completed:

Reason	Date	FR Cite
Final Action	06/22/88	53 FR 23380
Final Action Effective	06/22/88	53 FR 23380

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terrance M. O'Reilly 202 633-4657

RIN: 1115–AA64

1380. PREVENTION OF UNAUTHORIZED LANDING OF ALIENS, BY OWNERS AND OPERATORS OF RAILROAD LINES, INTERNATIONAL BRIDGES, OR TOLL ROADS

CFR Citation: 8 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26035
Final Action Effective	07/11/88	53 FR 26035

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel Stephan 202 633-2745

RIN: 1115–AA72

1381. VISA WAIVER PILOT PROGRAM

Significance: Agency Priority

CFR Citation: 8 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	06/30/88	53 FR 24898
Final Action Effective	07/01/88	53 FR 24898

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Y. Peggy Wong 202 633-4033

RIN: 1115–AA75

1382. RULE REVISION TO ADD NEW SPECIAL IMMIGRANT AND NONIMMIGRANT CLASSIFICATIONS

CFR Citation: 8 CFR 101; 8 CFR 214

Completed:

Reason	Date	FR Cite
Final Action	07/12/88	53 FR 26230

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook 202 633-5014

RIN: 1115–AA80

1383. ● PUBLIC NOTICE – CHANGE IN ASYLUM ADJUDICATIONS

Legal Authority: 8 USC 1101; 8 USC 1158; 94 Stat 105

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: Beginning November 2, 1987, the Bureau of Human Rights and Humanitarian Affairs (BHRHA) in the Department of State will no longer issue an advisory opinion for each request submitted by the Immigration and Naturalization Service. They will, however, respond to each case

notifying the INS of their disposition. This procedure modifies INS operating procedures/instructions (208.8e) and District Directors of the INS have been instructed to proceed to a final determination on an asylum request when BHRHA has indicated that no opinion will be provided. Asylum adjudicators have been instructed that in cases where they are unable to make a final decision without input from the Department of State, they are to pose specific questions which will be addressed by BHRHA.

Timetable:

Action	Date	FR Cite
Public Notice	02/02/88	53 FR 2893

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS 1059-88

Agency Contact: Ralph Thomas, Deputy Assistant Commissioner, Refugee, Asylum, and Parole, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5463**

RIN: 1115–AA94

1384. ● DIRECT MAIL OF APPLICATIONS AND PETITIONS TO THE REGIONAL SERVICE CENTER IN SAN YSIDRO, CALIFORNIA

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: Applications and petitions for benefits under the Immigration and Nationality Act are currently being filed at district offices within the Western Region. This notice establishes the Regional Service Center in San Ysidro, California as the one approved filing locating for the applications and petitions described in this notice and in the corrected notice.

Timetable:

Action	Date	FR Cite
Notice of change of location where applications and petitions are filed	02/24/88	53 FR 5479
Correction to Notice published at 53 FR 5479	03/22/88	53 FR 9382

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1104-88

Agency Contact: Lloyd Sutherland, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-3946**

RIN: 1115–AA98

1385. PUBLIC NOTICE, NOTICE OF PROPOSED SOLICITATION

CFR Citation: 8 CFR 245

Completed:

Reason	Date	FR Cite
Public Notice	06/08/88	53 FR 21535

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Terrance M. O'Reilly **202 786-3658**

RIN: 1115–AB02

1386. ● IMMIGRATION FORMS AND NATIONALITY FORMS

Legal Authority: 8 USC 1101; 8 USC 1103

CFR Citation: 8 CFR 299; 8 CFR 499

Legal Deadline: None

Abstract: This rule revises the listings of forms (Immigration Forms, and Nationality Forms) that are contained in 8 CFR Parts 299 and 499. This revision is necessary to ensure that the Immigration and Naturalization Service uses and accepts only the current editions of the forms shown in sections 299.1 and 499.1 of this chapter.

Timetable:

Action	Date	FR Cite
Final Action	08/31/88	53 FR 33443
Final Action Effective	08/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1115-88

Agency Contact: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115–AB04

1387. ● CERTIFICATION OF STATE GOVERNMENTS AS QUALIFIED DESIGNATED ENTITIES

Legal Authority: PL 99-603

CFR Citation: 8 CFR 245A

Legal Deadline: None

Abstract: The Immigration and Naturalization Service is exercising its option, relating to the INS cooperative agreement with qualified designated entities (QDEs) participating in the Service's legalization program, to request additional QDE applications from State governments and other certain similar entities. This action is being taken by the INS in an effort to reach more potential aliens seeking temporary residence under the Immigration Reform and Control Act of 1986 (IRCA), before the May 4, 1988 deadline.

Timetable:

Action	Date	FR Cite
Public Notice	03/24/88	53 FR 9716

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: INS Number 1110-88

Agency Contact: E. B. Duarte, Director, Outreach, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-4123**

RIN: 1115–AB06

1388. ● STATEMENT OF ORGANIZATION: PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION

Legal Authority: 66 Stat 173; 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This final rule designates Camden, New Jersey as a class "A" Port of Entry and further identifies the facility as a port of entry for all aliens. A full range of immigration services will be available at Camden, as the port will be regularly staffed by

inspectors of the United States Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Final Action	04/28/88	53 FR 15194
Final Action Effective	04/28/88	53 FR 15194

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1112-88

Agency Contact: Dwight S. Faulkner, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-3995**

RIN: 1115–AB07

1389. ● POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; AUTHORITY OF DISTRICT DIRECTOR AND VISA PETITIONS

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1455; 31 USC 9701; EO 12356; 3 CFR, 1982 Comp., p. 166

CFR Citation: 8 CFR 103.2

Legal Deadline: None

Abstract: This rule revises 8 CFR 103.2(b) to authorize a district director to withhold adjudication of a visa petition or application where it is determined that an investigation is pending and the disclosure of evidence supporting the adjudication would prejudice the investigation. The provisions relating to disclosure of classified material are also revised to require authorization of disclosure by the classifying agency.

Timetable:

Action	Date	FR Cite
NPRM	05/30/86	51 FR 19559
NPRM Comment Period End	07/29/86	51 FR 19559
Final Action	07/11/88	53 FR 26034
Final Action Effective	07/11/88	53 FR 26034

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1116-88

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-2895**

RIN: 1115–AB09

1390. ● INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1225; PL 94-241; EO 12572

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule establishes authority to issue an identification card to persons born before November 3, 1986, who received United States citizenship pursuant to Public Law 94-241 and Executive Order 12572, which established the Commonwealth of the Northern Mariana Islands. This action is taken in response to a request from the Commonwealth of the Northern Mariana Islands.

Timetable:

Action	Date	FR Cite
Final Action	06/22/88	53 FR 23379
Final Action Effective	07/01/88	53 FR 23379

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1111-88

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-3320**

RIN: 1115–AB10

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1391. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	07/15/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Analysis: Regulatory Impact Analysis

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, **202 724-7792**

RIN: 1105–AA05

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1392. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g), (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473, and to clarify policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	
NPRM Comment Period End	02/15/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA12

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1393. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	02/01/89	
End Review	02/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121–AA10

1394. NONDISCRIMINATION IN FEDERAL ASSISTED PROGRAMS – IMPLEMENTATION OF SECTION 809 (C) (1) OF THE JUSTICE ASSISTANCE ACT OF 1984

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121–AA11

1395. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473 and State and Local Law Enforcement Assistance Act of 1986, PL 99-570 Subtitle K, and to delete obsolete terminology.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Room 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA13

[FR Doc. 88-20998 Filed 10-21-88; 8:45 am]
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federal register

Monday
October 24, 1988

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which has been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1988 and October 1989.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1989.

Ann McLaughlin,

Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
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Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1397	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09

DOL

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1398	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1399	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1400	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1401	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1402	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1403	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1404	Employment of Workers with Disabilities Under Special Certificates	1215-AA34
1405	Employment of Homeworkers in Certain Industries	1215-AA36
1406	Labor Standards for Foreign Agricultural Workers	1215-AA43
1407	Migrant and Seasonal Agricultural Worker Protection	1215-AA44
1408	Employee Polygraph Protection Act of 1988	1215-AA49

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1409	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35
1410	Reporting System for Employment of Special Agricultural Workers	1215-AA48

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1411	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1412	Airline Deregulation: Employee Benefit Program	1205-AA07
1413	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1414	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1415	Federal-State Unemployment Compensation Program: Income and Eligibility Verification System	1205-AA64
1416	Advances to States and Repayment of Advances; Interest on Advances	1205-AA65
1417	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
1418	Economic Dislocation and Worker Adjustment Assistance Program	1205-AA67
1419	Administrative Procedure, Federal State Unemployment Compensation Program	1205-AA69
1420	Trade Adjustment Assistance for Workers (OTCA)	1205-AA72
1421	Implementation of the Worker Adjustment and Retraining Notification Act (WARN)	1205-AA73

DOL

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1422	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1423	Senior Community Service Employment Program	1205-AA29
1424	Job Training Partnership Act Audits	1205-AA53
1425	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1426	Limitations on Tax Credit Reduction and Interest on Advances to States	1205-AA14
1427	Extended Unemployment Compensation Program Extended Benefits	1205-AA15
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1429	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1430	Preference in Federal Procurement For Labor Surplus Areas Under Executive Orders 12073 and 10582	1205-AA55
1431	Trade Adjustment Assistance for Workers	1205-AA61
1432	Labor Surplus Area Program Population Criteria Change as Revised by PL 99-272	1205-AA62
1433	Refocus of the Public Employment Service	1205-AA63
1434	Job Training Partnership Act - Amendment Concerning Fixed Unit Price Performance Based Contracts	1205-AA68

Pension and Welfare Benefits Administration—Prerule Stage

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Pension and Welfare Benefits Administration—Proposed Rule Stage

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1438	Civil Penalties Under FERSA	1210-AA32
1439	Civil Penalty for Failure or Refusal to File Annual Report	1210-AA34

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1440	Individual Benefits Reporting and Recordkeeping for Multiple Employer Plans	1210-AA02
1441	Individual Benefits Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1442	Participant Directed Individual Account Plans	1210-AA08
1443	Loans to Participants	1210-AA09
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1445	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1446	Procedures for Filing and Processing Applications for Exemption from the Prohibited Transaction Provisions of ERISA, the Internal Revenue Code, and FERSA	1210-AA26
1447	Allocation of Fiduciary Responsibility (FERSA)	1210-AA30

DOL

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1448	Definition of "Plan Assets" (Participant Contributions) (Proposed at 44 FR 50363, August 28, 1979)	1210-AA16
1449	Procedures for the Administrative Imposition of Civil Sanctions Under Section 502(i) of the Employee Retirement Income Security Act of 1974 (ERISA)	1210-AA20
1450	Amount Of Bond For FERS Thrift Savings Fund	1210-AA28

Office of Labor Management Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1451	Labor Organization Annual Financial Reports	1294-AA04

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1452	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1453	Pattern of Violations	1219-AA04
1454	Underground Coal Mine Electrical Standards	1219-AA10
1455	Review of Metal and Nonmetal Electrical Standards	1219-AA14
1456	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1457	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1458	Rules of Practice for Petitions for Modification of Mandatory Safety Standards	1219-AA45
1459	Hazard Communication	1219-AA47
1460	Air Quality Standards	1219-AA48
1461	Refuse Pile and Impoundment Inspection Records	1219-AA49
1462	Mine Rescue Equipment Test and Inspection Records	1219-AA50
1463	SCSR Inspection Records	1219-AA51
1464	Safety Standards for Methane in Metal/Nonmetal Mines; Conforming Amendments	1219-AA52

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1465	Underground Coal Mine Ventilation	1219-AA11
1466	Explosives and Blasting in Underground Coal Mines	1219-AA16
1467	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1468	Metal and Nonmetal Radiation Standards	1219-AA28
1469	Approval Criteria for Respiratory Protective Devices	1219-AA30
1470	Certification and Qualification of Persons	1219-AA36
1471	Automatic Warning Devices for Mobile Equipment	1219-AA38
1472	Automatic Emergency-Parking Brakes for Rubber-Tired Self-Propelled Electric Face Equipment	1219-AA39
1473	Electric Mine Lamps Other Than Standard Cap Lamps	1219-AA40

DOL

Mine Safety and Health Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1474	Multiple-Shot Blasting Units	1219-AA42

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1475	Procedures for Approval of Mining Equipment	1219-AA06
1476	Safety Standards for Loading, Hauling and Dumping and Machinery and Equipment at Metal and Nonmetal Mines	1219-AA18
1477	Metal and Nonmetal Air Quality Standards	1219-AA21
1478	Coal Air Quality	1219-AA41
1479	Asbestos	1219-AA46

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1480	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02
1481	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA15

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1482	Department of Labor Acquisition Regulation (DOLAR) (Revision)	1291-AA06

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1483	Guidelines for Nonprocurement Suspension and Debarment	1291-AA11

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1484	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95
1485	Medical Surveillance Programs for Employees	1218-AB00
1486	Generic Standard for Exposure Monitoring	1218-AB01

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1487	Carcinogen Policy	1218-AA01
1488	Respiratory Protection	1218-AA05
1489	Concrete and Masonry Construction (Part 1926)	1218-AA20
1490	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1491	Methods of Compliance	1218-AA28
1492	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1493	Benzene	1218-AA47
1494	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1495	Confined Space (Part 1910)	1218-AA51
1496	Logging (Part 1910)	1218-AA52
1497	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1498	4,4'-Methylenedianiline	1218-AA58
1499	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1500	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1501	Steel Erection (Part 1926)	1218-AA65
1502	Fall Protection (Part 1915)	1218-AA66
1503	Scaffolds (Part 1915)	1218-AA68
1504	Access and Egress (Part 1915)	1218-AA70
1505	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1506	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1507	Welding, Cutting and Heating (Part 1915)	1218-AA73
1508	Personal Protective Equipment (Part 1915)	1218-AA74
1509	1,3-Butadiene	1218-AA83
1510	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1511	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1512	Gear Certification (Part 1919)	1218-AA97
1513	Methylene Chloride	1218-AA98
1514	Hazard Communication	1218-AB02
1515	Walking and Working Surfaces (Part 1910)	1218-AB04
1516	Bloodborne Infectious Diseases	1218-AB15
1517	Cadmium	1218-AB16
1518	Hazardous Materials (Part 1910)	1218-AB20
1519	Shipyard Employment: Phase II (Part 1915)	1218-AB22
1520	Hazardous Waste Training Course Certification (Part 1910)	1218-AB23

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1521	Occupational Exposures to Hazardous Chemicals in Laboratories	1218-AA00
1522	Ethylene Dibromide (EDB)	1218-AA06
1523	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1524	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1525	Excavations (Part 1926)	1218-AA36
1526	Fall Protection (Part 1926)	1218-AA37
1527	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1528	Scaffolds (Part 1926)	1218-AA40
1529	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1530	Stairways and Ladders (Part 1926)	1218-AA57
1531	Hazardous Waste Operations and Emergency Response (Part 1910)	1218-AB13
1532	Permissible Exposure Limit Update	1218-AB17
1533	Lead (Reconsideration of the Feasibility of Compliance in Nine Industry Sectors)	1218-AB18

DOL

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1534	Access to Employee Exposure and Medical Records	1218-AA15
1535	Crane or Derrick Suspended Platforms (Part 1926)	1218-AA45
1536	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1537	Compressed Air (Part 1926)	1218-AA76
1538	Asbestos Short Term Exposure Limit	1218-AB21

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1396. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Significance: Agency Priority

Legal Authority: 5 USC 552, as amended; EO 12600

CFR Citation: 29 CFR 70, (Revision)

Legal Deadline: Final, Statutory, April 27, 1987.

Abstract: The document proposes regulations to implement the Freedom of Information Reform Act of 1986, which requires agencies to promulgate regulations on a schedule of fees and on fee waivers, and Executive Order 12600, which requires predisclosure notification to submitters of confidential business information. The proposal also revises the existing DOL Freedom of Information Act (FOIA) regulations, which currently include interpretive material on FOIA exemptions, to limit the scope principally to procedural matters.

Timetable:

Action	Date	FR Cite
NPRM	02/23/88	53 FR 5346
NPRM Comment Period End	07/18/88	53 FR 22680
Final Action	10/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Seth D. Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N2428, FPBldg., Washington, DC 20210, 202 523-8201

RIN: 1290–AA08

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Prerule Stage

1397. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors between 16 and 18 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of these regulations. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, modifications to these regulations may be needed. The Department has established a Child (cont)

Timetable:

Action	Date	FR Cite
Notice published--decision to establish Child Labor Advisory Committee	07/21/87	52 FR 27476
Notice published--announcing meetings of Committee on March 9-10, 1988	02/17/88	53 FR 4788
Notice published--announcing meetings on October 19-20, 1988	09/27/88	53 FR 37660

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations. The committee convened on March 9-10, 1988. Subcommittees were established to review their respective issues. The full committee will present its findings and recommendations to the Wage-Hour Administrator in October 1988.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA09

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1398. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: NPRM, Statutory, October 1, 1983.
Rules implementing Section 481 of the 1982 JTPA (29 USC 1781). The operational aspects of such rules need to be coordinated with the pending revisions to the Executive Order 11246 program

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended, and Section 503 of the Rehabilitation Act of 1973, as amended. Proposed changes were published in the Federal Register on 12/28/79 and 2/22/80. The resulting final rule was published on 12/30/80 but its effective date was stayed pending review in accordance with President Reagan's Executive Order 12291 of 2/17/81. Subsequently, OFCCP published an ANPRM (7/14/81, supplemented 8/21/81) and a NPRM 8/25/81, supplemented 4/23/82). The NPRM also extended the suspension of the effective date of the 12/30/80 final rule. OFCCP's review of regulatory options continues, and includes consideration of proposed regulations to integrate the requirements of Section 481 of the Job Training Partnership Act of 1982 (29 U.S.C. 1781) with the Executive Order 11246 program.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM	03/00/89	
Final Action	09/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, **202 523-9475**

RIN: 1215–AA01

1399. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: This proposal would, among other things, incorporate 1978 and 1980 statutory amendments to definitions applicable to Section 503 of the Rehabilitation Act and to the Veterans' programs. However, since 1981 there have been additional amendments to the Rehabilitation Act and to the Vietnam Era Veterans' Readjustment Assistance Act affecting definitions applicable under the respective programs. All such statutorily required changes to the definitions would be incorporated into the proposed regulatory action contemplated under RIN - 1215-AA01.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
NPRM Second	03/00/89	
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, **202 523-9475**

RIN: 1215–AA02

1400. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor

Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal to suspend rule indefinitely	03/27/81	46 FR 18998
Comments due on suspension proposal	04/28/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period from 01/21/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	11/00/88	
Final Action	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. Action on this regulation was delayed due to other regulatory priorities.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215–AA14

1401. ● GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Significance: Agency Priority

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)

Legal Deadline: None

Abstract: This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative regular dealer definition applicable to information systems integration businesses which bid on contracts to furnish the government fully operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which their sales are made, a custom that is inconsistent with this industry's practices.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA33

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

1402. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit has since upheld most of the key provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the District and Appeals Courts. A revised proposal was published 08/19/87 (52 FR 31366), and the comment period was later extended to 11/18/87 (52 FR 38473).

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31366
NPRM Comment Period End	11/18/87	52 FR 38473

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA07

1403. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 5 USC 8101 et seq.

CFR Citation: 20 CFR 10

Legal Deadline: None

Abstract: Certain provisions of Final Rules published April 1, 1987, have been challenged as being promulgated in violation of the APA. Those sections deal with collection of forfeited compensation from on-going benefits. In order to ensure that any doubt as to the procedural validity of the rules is laid to rest, the Department has taken two actions: 1) publishing an interim final rule which reinstates the affected sections without the language which has been challenged; and 2) a proposed rule with an invitation to comment, which in effect would reinstate the April 1, 1987 rule but would assure that any defects in the comment period are corrected.

Timetable:

Action	Date	FR Cite
NPRM	04/07/88	53 FR 11596
Interim Final Rule (Reinstating Affected Sections)	04/07/88	53 FR 11594
NPRM Comment Period End	06/06/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees', Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, RM S3229 - FPBldg., Washington, DC 20210, 202 523-7552

RIN: 1215–AA29

1404. EMPLOYMENT OF WORKERS WITH DISABILITIES UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work activities centers. Three affected regulations (29 CFR 524, 525 and 529) were combined into a single proposed new rule which was published for public comments on May 20, 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18234
NPRM Comment Period End	07/19/88	53 FR 18234
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, RM S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA34

1405. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department on 11/9/81 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed recission, the Department sought comments on various alternatives to such action (49 FR 11786). On November 5, 1984, a final rule was published lifting the ban on homework for employers (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second Comment Period End	05/13/88	53 FR 15063

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, the Department is proposing to rescind the remaining restrictions in the other industries for employers who currently obtain certificates. A Notice of Proposed Rulemaking was published on August 21, 1986 (51 FR 30036). A notice extending the comment period to December 4, 1986 was published on October 21, 1986 (51 FR 37298). Based on the review of the comments and the Department's further examination of enforcement experience in knitted outerwear, a new proposal was published on March 30, 1988 (53 FR

10342) which included enforcement mechanisms to enhance compliance among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063).

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA36

1406. LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration will issue regulations that incorporate the labor standards issued by the Employment and Training Administration and set forth procedures for enforcement of these labor standards. (Note: Final action on these regulations has been delayed until we acquire experience in enforcing the statutory requirements applicable to temporary foreign agricultural workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502. FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA43

1407. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

Significance: Agency Priority

Legal Authority: 29 USC 1801 to 1872; PL 99-603

CFR Citation: 29 CFR 500

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 amended the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in a number of areas concerning the recruitment and employment of illegal aliens. Certain changes to the existing MSPA regulations are needed to conform them to the amended Act. These statutory changes became effective June 1, 1987. In addition, minor clarifying changes will be made in certain definitions in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16859
NPRM Comment Period End	06/05/87	52 FR 16859
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA44

1408. ● EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-347, Employee Polygraph Protection Act of 1988

CFR Citation: 29 CFR 801 (new)

Legal Deadline: Final, Statutory, September 25, 1988.

Abstract: The Employee Polygraph Protection Act of 1988 (EPPA) was enacted June 27, 1988 and takes effect December 27, 1988. EPPA prohibits most private employers from administering lie detector tests to employees or prospective employees but permits the use of polygraph tests, subject to certain safeguards, under specific circumstances. The Secretary of Labor is authorized to issue rules and regulations to implement EPPA and to enforce it, including authority to conduct investigations, assess civil money penalties for violations, and bring suit in U.S. District Courts to enjoin violations of the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA49

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

1409. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954(i); 20 USC 956 (g); 20 USC 954 (j)

CFR Citation: 29 CFR 505

Legal Deadline: Final, Statutory, June 18, 1986.

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting professional personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts: the 1976 Amendments applied the same labor standards to Humanities grants. The Arts, Humanities, and Museums Amendments of 1985, which were enacted on December 20, 1985, directed the Secretary of Labor to issue regulations to assure that prevailing minimum compensation is provided to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part by the National Endowment for the Humanities. Final regulations to carry out these provisions were published on June 22, 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35447
NPRM Comment Period End	10/21/87	
Final Action	06/22/88	53 FR 23540
Final Action Effective	07/22/88	53 FR 23540

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA35

1410. REPORTING SYSTEM FOR EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: Immigration Reform and Control Act of 1986

CFR Citation: 29 CFR 502

Legal Deadline: Final, Statutory, October 1, 1988.

Abstract: The Immigration Reform and Control Act of 1986 requires employers of special agricultural workers (SAWs) to record and report information about the employment of these alien workers in seasonal agricultural services. The report to the Federal Government includes information such as the number of work days performed. The data reported will allow for estimates to be made in determining whether additional alien workers will be admitted as replenishment agricultural workers (RAWs). Each replenishment agricultural workers is entitled to receive a certificate from the employer regarding the number of work days such worker was employed in seasonal agricultural services. This certificate may be used by the worker in order to qualify for legalization.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27304
NPRM Comment Period End	08/15/88	
Final Action	09/09/88	53 FR 35154
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA48

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1411. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA37

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

1412. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (Cont'd)

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT (CONT'D): monetary benefit aspects of the employee protection provisions.

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA07

1413. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Sectors Affected: 94 Administration of Human Resource Programs

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, **202 535-8762**

RIN: 1205–AA43

1414. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, **202 535-0550**

RIN: 1205–AA54

1415. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM: INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 603, (Revision)

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to amend the regulations at 20 CFR 603, Income and Eligibility Verification System. The amendment will permit access to the State unemployment insurance information by the Federal Parent Locator Service for the purpose of child support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 34120
NPRM Comment Period End	10/03/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Levels of Government Affected - State and the Federal Parent Locator Service

Agency Contact: Barbara Ann Farmer, Director, Office of Program Management, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4512, FPBldg., Washington, DC 20210, **202 535-0610**

RIN: 1205–AA64

1416. ADVANCES TO STATES AND REPAYMENT OF ADVANCES; INTEREST ON ADVANCES

Significance: Regulatory Program

Legal Authority: 42 USC 1321; 42 USC 1322

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, the Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment benefits and the repayment of such advances. A Notice of Proposed Rulemaking governing relief provisions only was published in the Federal Register on October 28, 1987. This proposed rule will address the accrual and repayment of interest associated with advances. States applying for advances will be given formal procedures and guidance to follow in the loan application and repayment process as well as the interest payment process. To date, UIPLs have been issued to SESAs describing the process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James H. Manning, Chief, Division of Actuarial Services, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room S4519, FPBldg., Washington, DC 20210, **202 535-0640**

RIN: 1205–AA65

1417. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Experience in administering the regulations relating to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations. The proposed amendments would be intended to make labor certification process more efficient, to prevent abuse or manipulation of the labor certification process, to clarify some apparent ambiguities in the regulations, and to make the regulations easier to read. Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to section 212(a)(14) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(14). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(14) of the INA (8 USC 1182(a)(14). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification.

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA66

1418. ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE PROGRAM

Significance: Regulatory Program

Legal Authority: 29 USC 1501

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 631

Legal Deadline: None

Abstract: In early 1987, the President proposed legislation for a new Worker Readjustment Program to respond to dislocations caused by plant closings, mass layoffs, international competition and technological change. The Congress is considering worker readjustment legislation as a replacement for the Job Training Partnership Act (JTPA) Title III program for dislocated workers. The Department anticipates enactment in 1988. The new program will incorporate several important new changes. Among these changes are: (1) institutionalizing a State rapid response capability, (2) changing delivery system to mandate the designation of substate grantees, (3) focusing on better resource utilization through reallotment and reallocation provisions, (4) greater emphasis on training in innovative features such as certificates of continuing eligibility and individual vouchers for training. In addition, greater emphasis will be placed upon coordination and linkages among major training and employment program components such as the public employment service, the UI and TAA programs.

DOL—ETA **Proposed Rule Stage**

Timetable:

Program
NPRM 11/00/88
Interim Final Rule 02/00/89
Substate Designation
NPRM 10/00/88
Interim Final Rule 12/00/88

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment Training, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA67

1419. ● ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM

Significance: Agency Priority

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 601; 29 CFR 96; 29 CFR 97; 29 CFR 98

Legal Deadline: None

Abstract: This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

Agency Contact: Mary Ann Wyrsch, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4231, FPBldg., Washington, DC 20210, 202 523-7631

RIN: 1205–AA69

1420. ● TRADE ADJUSTMENT ASSISTANCE FOR WORKERS (OTCA)

Significance: Regulatory Program

Legal Authority: PL 100-418, The Omnibus Trade and Competitiveness Act of 1988; Part 3 -- Trade Adjustment Assistance, of Subtitle D of Title I

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 6434, Washington, Dc 20213, 202 376-2646

RIN: 1205–AA72

1421. ● IMPLEMENTATION OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

Significance: Regulatory Program

Legal Authority: PL 100-379, Worker Adjustment and Retraining Notification Act

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, February 4, 1989.

Abstract: These regulations require that, with certain exceptions, companies with at least 100 workers give 60 days or more advance notice of a plant closing that would affect 50 or more full-time workers, or a 6-month or longer layoff that would affect at least one-third of the workforce (or 500 workers).

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Administration, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FP Bldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA73

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1422. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. The proposed regulations would implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46604
NPRM Comment Period End	01/08/88	52 FR 46604
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA26

1423. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq. Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Final, Statutory, May 5, 1985.
PL 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0500

RIN: 1205–AA29

1424. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: None

Agency Contact: David O. Williams, Administrator, Office of Financial and, Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0690

RIN: 1205–AA53

1425. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Other, Statutory, June 1, 1987.
IRCA required publication of interim final rule by June 1, 1987. This was accomplished.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16770
NPRM Comment Period End	05/19/87	52 FR 16770
Interim Final Rule	06/01/87	52 FR 20496

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0153

RIN: 1205–AA59

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

1426. LIMITATIONS ON TAX CREDIT REDUCTION AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: 26 USC 3302; 42 USC 1302; PL 97-35, Sec 2408

CFR Citation: 20 CFR 606, (New)

Legal Deadline: None

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	10/28/87	52 FR 41463
NPRM Comment Period End	11/27/87	52 FR 41463
Final Action	09/26/88	53 FR 37424
Final Action Effective	10/26/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm S4519, FPBldg., Washington, DC 20210, **202 535-0640**

RIN: 1205–AA14

1427. EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM EXTENDED BENEFITS

Significance: Regulatory Program

Legal Authority: 26 USC 3304 Note; 42 USC 1302

CFR Citation: 20 CFR 615

Legal Deadline: None

Abstract: These regulations would be amended to implement various statutory amendments of 1980, 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37741
NPRM Comment Period End	11/24/86	51 FR 37741
Final Action	07/25/88	53 FR 27926
Final Action Effective	08/24/88	53 FR 27926

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: **Lorenzo Roberts,** Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA15

1428. ADMINISTRATIVE PROCEDURE

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9, (Revision)

Legal Deadline: None

Abstract: The regulation will provide States with administrative appeal rights before the Office of Administrative Law Judges for final determinations disallowing costs or imposing corrective actions as a result of all audits in the Federal-State unemployment benefit and allowance programs. Currently, no such appeal rights exist and if a State seeks review of one of the above actions the only appeal forum is the Federal Court. Provision of these appeal rights before the Office of Administrative Law Judges should reduce the workload of the Federal Court system and allow the Department of Labor adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20991
NPRM Comment Period End	07/10/86	51 FR 20991
Policy directive issued	07/29/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Agency Contact: **Linda D. Kontnier,** Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, **202 535-0704**

RIN: 1205–AA46

1429. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Agency Priority

Legal Authority: 42 USC 5177

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: None

Abstract: A few technical amendments are necessary to update the DUA Final Regulations which were published September 26, 1977. A clarification is needed on the administration of DUA in the Virgin Islands. Also, the Canal Zone should be deleted from the eligible "States." The formula for computing DUA weekly benefit amounts needs to be simplified. The first week of DUA payable needs to be clarified and the appropriate share of Federal-State costs needs to be determined.

Timetable:

Action	Date	FR Cite
No action anticipated	07/29/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: None

Additional Information: Disaster Relief Act was not amended, therefore, no need to revise regulations. Significance policy decisions were put on hold that would have required changes.

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA50

1430. PREFERENCE IN FEDERAL PROCUREMENT FOR LABOR SURPLUS AREAS UNDER EXECUTIVE ORDERS 12073 AND 10582

Significance: Regulatory Program

Legal Authority: EO 12073; EO 10582

CFR Citation: 20 CFR 654.5(b)

Legal Deadline: None

Abstract: Currently the Department of Labor only classifies civil jurisdictions (counties, cities over 50,000 population as well as townships and towns in certain selected States) as labor surplus areas. This policy has resulted in some employment centers in the nation's large metropolitan areas not being classified as labor surplus areas, even though the entire Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas would meet the labor surplus area criteria if such geographic areas were classified. The proposed rule would grant the Assistant Secretary for Employment and Training the authority to classify Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas as labor surplus areas to help alleviate unemployment in these areas. The change will add some additional labor surplus areas to the current list but it will not increase the funds going to such designated areas.

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26555
NPRM Comment Period End	08/25/86	51 FR 26555
Final Action	06/21/88	53 FR 23346
Final Action Effective	06/21/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert A. Schaerfl, Director, United States Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4470 FPBldg., Washington, DC 20210, 202 535-0157

RIN: 1205–AA55

1431. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-292 Consolidated Omnibus Budget Reconciliation Act (1985)

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement PL 99-272, enacted on April 7, 1986, which amended the trade adjustment assistance provisions of the Trade Act of 1974, by extending the program for six (6) years to September 30, 1991; requiring participation in a job search program, where reasonably available, as a condition for receiving TRA payments; changing the number of weeks of employer authorized leave credited to satisfy the 26 weeks of employment in the last 52 weeks to qualify for TRA; extending the period to receiving basic TRA from 52 weeks to 104 weeks (no increase in the number of weeks payable); and making other changes.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39586
NPRM Comment Period End	11/23/87	52 FR 39586
Final Action	08/24/88	53 FR 32344
Final Action Effective	09/23/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade, Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205–AA61

1432. LABOR SURPLUS AREA PROGRAM POPULATION CRITERIA CHANGE AS REVISED BY PL 99-272

Significance: Agency Priority

Legal Authority: EO 12073; EO 10582; PL 95-89; PL 96-302; PL 99-272

CFR Citation: 20 CFR 654

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) Section 18003 amended the Small Business Act to require the Secretary of Labor to reduce the population criteria for labor surplus areas from fifty-thousand to twenty-five thousand. Section 18003 of Public Law 99-272 became effective on July 7, 1986. The Department of Labor is in the process of implementing the new requirements of the Law but such data did not exist for such areas on a monthly basis at the time Public Law 99-272 was enacted. Implementation has, therefore, been hampered while the data for hundreds of areas were being developed on a monthly basis going back to January 1984.

Timetable:

Action	Date	FR Cite
Final Action Combined with Federal Procurement Labor Surplus Regulations	06/21/88	53 FR 23346
Final Action Effective	06/21/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205–AA62

DOL—ETA

Completed Actions

1433. REFOCUS OF THE PUBLIC EMPLOYMENT SERVICE

Legal Authority: PL 97-300 Wagner-Peyser Act as amended by the JTPA

CFR Citation: 20 CFR 652; 20 CFR 653

Legal Deadline: None

Abstract: In September 1986, the Department of Labor announced in the Federal Register its review of the public employment service, raising the concern of the employment service capability to meet the current and future labor market needs, particularly the labor market needs that will emerge in the year 2000. The announcement provided the public an opportunity to respond either orally at public meetings held in October, 1986 or in writing directly to the Department. The announcement described the concern of the questions concerning the purpose and role of the employment service. An analysis of the public response to the announcement, as well as other data available to the Department from other research, studies, and papers provides the basis for the Department to propose a refocus of the employment service to address current and emerging labor force trends. Regulations may be proposed to the extent needed, to either implement any new legislation that may emerge or to achieve the new direction.

Timetable:

Action	Date	FR Cite
Deferred--no legislation	07/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205–AA63

1434. JOB TRAINING PARTNERSHIP ACT - AMENDMENT CONCERNING FIXED UNIT PRICE PERFORMANCE BASED CONTRACTS

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 629, (Revision)

Legal Deadline: None

Abstract: On October 13, the President signed into law the Job Training Partnership Act (JTPA) Amendments of 1986. In an Advance Notice of Proposed Rulemaking of January 16, 1987, the Department indicated that, in addition to proposed rules for the JTPA Amendments of 1986, it would review fixed-unit price performance- based contracting to determine the need for regulatory revision. The Department has completed this review with the resulting determination of the need for regulatory revision in this area. Proposed regulatory revisions will be published as a final rule around the latter part of 1988. The revisions will deal with the following critical areas: (1) the definition of the term "training" for the purposes of 20 CFR 629.38(e)(2) the allocation of charges among the several cost categories of the final elements of performance--"placement in unsubsidized employment in the occupation trained for, and at the specific wage"--do not occur; (3) clarification regarding the generation of profits and the use of such profits by contractors and/or (4) the practice of making incremental payments to contractors for achieving interim performance benchmarks rather than full performance.

Timetable:

Action	Date	FR Cite
Policy directive issued versus rulemaking	08/09/88	53 FR 29961

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mr. Robert N. Colombo, Director, Office of Employment and Training, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA68

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Pension and Welfare Benefits Administration (PWBA)

1435. "TOP HAT" PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
Agency to complete review with respect to feasibility of & form of policy guidance	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith B. Kahn, Employee Benefit Plan Specialist, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8581

RIN: 1210–AA21

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1436. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulations, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA19

1437. FINAL BONDING RULES (FERSA AND ERISA)

Significance: Regulatory Program

Legal Authority: 5 USC 8478

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 31, 1989.
Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1989 deadline for promulgating final bonding regulations under FERSA.

Abstract: FERSA Section 8478 requires the Secretary of Labor to promulgate regulations governing the bonding of fiduciaries and other persons who handle the funds or other property of the Thrift Savings Fund established under FERSA. The regulations set forth the required bonding procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/87	52 FR 35864
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald B. Lindrew, Assistant Director for Policy and, Legislative Analysis, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5647, FPBldg., Washington, DC 20210, 202 523-7933

RIN: 1210–AA31

1438. CIVIL PENALTIES UNDER FERSA

Significance: Regulatory Program

Legal Authority: 5 USC 8477(e)(1)(B)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 8477(e)(1)(B) of the Federal Employees' Retirement System Act of 1986 (FERSA) authorizes the Secretary of Labor to assess civil penalties against parties in interest who engage in prohibited transactions with the Thrift Savings Fund (Fund) established under FERSA. The regulations will govern the procedures for imposing sanctions and enable the Department to penalize persons who violate the prohibited transaction rules with respect to assets of the Fund.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37486
NPRM Comment Period End	11/25/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Rees, Staff Attorney, Department of the Interior, Office of the Solicitor, 200 Constitution Avenue, NW, Room N5647, FPBldg., Washington, DC 20210, 202 523-9141

RIN: 1210–AA32

1439. CIVIL PENALTY FOR FAILURE OR REFUSAL TO FILE ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: PL 100-203, Section 9342(c)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, January 1, 1989.
Section 9342(d) of OBRA 1987 specifically directs the Secretary to issue not later than January 1, 1989, the regulations required to implement this provision.

Abstract: Section 502(c) of the Employee Retirement Income Security Act of 1974 (ERISA) was amended by Section 9342(c) of the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) to authorize the Secretary of Labor to assess a civil penalty of up to $1,000 a day from the date of a plan administrator's failure or refusal to file the complete annual report required to be filed with the Secretary under section 101(b)(4) of ERISA. This regulation would carry out the requirement of OBRA 1987 that the Secretary promulgate regulations implementing the new civil penalty provision relating to a plan administrator's failure or refusal to file a complete annual report.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	11/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald B. Lindrew, Assistant Director for Policy and, Legislative Analysis, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5647, FPBldg., Washington, DC 20210, 202 523-7933

RIN: 1210–AA34

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1440. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIPLE EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of Public Hearing on 11/25/80	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Katherine Lewis, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-7901**

RIN: 1210–AA02

1441. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of Public Hearing on 11/25/80	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Katherine Lewis, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, **202 523-7901**

RIN: 1210–AA03

1442. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulations, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA08

1443. LOANS TO PARTICIPANTS

Significance: Regulatory Program

Legal Authority: 29 USC 1135; 29 USC 1108

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	01/22/88	53 FR 1798
NPRM Comment Period End	03/22/88	
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210–AA09

1444. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Final Action	01/00/89	

Small Entities Affected: Undetermined

DOL—PWBA

Final Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9596

RIN: 1210–AA15

1445. PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	05/18/88	53 FR 11886
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Shore, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5667 FPBuilding, Washington, DC 20210, 202 523-8671

RIN: 1210–AA25

1446. PROCEDURES FOR FILING AND PROCESSING APPLICATIONS FOR EXEMPTION FROM THE PROHIBITED TRANSACTION PROVISIONS OF ERISA, THE INTERNAL REVENUE CODE, AND FERSA

Significance: Regulatory Program

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: None

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	06/28/88	53 FR 24422
NPRM Comment Period End	08/29/88	
Interim Final Rule	12/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda N. Winter, Staff Attorney, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669, FPBuilding, Washington, DC 20210, 202 523-9596

RIN: 1210–AA26

1447. ALLOCATION OF FIDUCIARY RESPONSIBILITY (FERSA)

Significance: Regulatory Program

Legal Authority: 5 USC 8477(e)(1)(E)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, December 31, 1988.
Section 114 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1988 deadline for promulgating these regulations.

Abstract: Section 8477(e)(1)(E) of the Federal Employees' Retirement System Act of 1986 (FERSA) requires the Secretary of Labor to prescribe in regulations procedures for allocating fiduciary responsibilities among fiduciaries, including investment managers, with respect to the Thrift Savings Fund (Fund) established under FERSA. This regulation would carry out the requirement of FERSA that the Secretary promulgate regulations prescribing procedures for allocating fiduciary responsibility with respect to the Thrift Savings Fund.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27704
NPRM Comment Period End	08/21/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulation, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA30

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

1448. DEFINITION OF "PLAN ASSETS" (PARTICIPANT CONTRIBUTIONS) (PROPOSED AT 44 FR 50363, AUGUST 28, 1979)

Significance: Agency Priority

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations

DOL—PWBA **Completed Actions**

dealing with this matter were published by the Department on August 28, 1979.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
Final Action	05/17/88	53 FR 17628
Final Action Effective	08/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately. This item is included as 1210-AA23 in the U.S. Regulatory Program.

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210–AA16

1449. PROCEDURES FOR THE ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS UNDER SECTION 502(I) OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30501
NPRM Comment Period End	10/27/86	51 FR 30501
Final Action	09/26/88	53 FR 37474
Final Action	09/26/88	53 FR 37477
Final Action Effective	10/26/88	
Final Action Effective	10/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, **202 523-9596**

RIN: 1210–AA20

1450. AMOUNT OF BOND FOR FERS THRIFT SAVINGS FUND

Significance: Agency Priority

Legal Authority: 5 USC 8478

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 8478(b)(1) requires the Secretary of Labor to prescribe the amount of a bond at the beginning of each Fiscal Year of the fund. This rulemaking accomplishes that objective.

Timetable:

Action	Date	FR Cite
Subsumed by RIN 1210-AA31	07/29/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, **202 523-7901**

RIN: 1210–AA28

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Office of Labor Management Standards (OLMS)

1451. LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Legal Authority: 29 USC 431; 29 USC 438; 29 USC 461

CFR Citation: 29 CFR 403

Legal Deadline: None

Abstract: This proposed regulation would implement a new labor organization annual report form to replace Labor Organization Annual Report forms LM-2 and LM-3, which are incorporated in the Department's regulations at 29 CFR 403.3 and 403.4(a). It would also replace Form LM-1A, entitled "Report of Current Status: Labor Organization Information Supplement," which is incorporated in the regulations at 29 CFR 402.4(a).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and, Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Room N5613, FPBldg., Washington, DC 20210, **202 523-7373**

RIN: 1294–AA04

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Prerule Stage

1452. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The Agency focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. The Agency has determined that the existing regulations in Part 50 should be clarified and improved through the rulemaking process. MSHA will clarify the definitions of reportable injuries and illnesses and solicit suggestions from the public in this effort.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
Task Force Report Completed	03/03/86	
ANPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA33

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1453. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None

Abstract: This rulemaking would implement section 104(e) of the Federal Mine Safety and Health Act of 1977 which addresses mines with a pattern of repeated, significant and substantial violations. In 1985 MSHA issued an ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations. The Agency reviewed comments and has been working to develop both appropriate criteria and a meaningful procedure for identifying operators who are potential pattern violators.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA04

1454. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that addresses the wide range of issues raised by commenters.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA10

1455. REVIEW OF METAL AND NONMETAL ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None

Abstract: The electrical standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to metal and

nonmetal mining and mills.These standards would also be substantially clarified, updated, and realigned into functional categories, and would include technological advances in electrical systems.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA14

1456. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None

Abstract: The explosives standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. These standards would be clarified and updated consistent with technological advances, such as gaseous initiation systems, miniaturized detonating cord systems and the use of bulk mixing of explosives materials.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings will most likely be held in October 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA17

1457. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 36; 30 CFR 31; 30 CFR 32

Legal Deadline: None
Under the Mine act, the advisory committee must submit recommendations within 180 days of convening.

Abstract: MSHA has established a mining equipment approval program, including evaluation criteria, and corresponding safety standards requiring the use of certain equipment. Existing approval regulations do not generally apply to the diesel equipment now being used in underground coal mines. An Advisory Committee convened in January 1988 to make recommendations concerning what standards and regulations would be appropriate for coal mines. The Advisory Committee made recommendations to the Assistant Secretary for MSHA, to write proposed regulations for approval of equipment in July 1988.

Timetable:

Action	Date	FR Cite
Establishment of Advisory Committee	10/06/87	52 FR 37381
Notice of Appointment of Committee Members and Notice of First Meeting	01/05/88	53 FR 00189
Committee Delivered Recommendations	07/27/88	
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA27

1458. RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 44

Legal Deadline: None

Abstract: On July 10, 1987, the United States Court of Appeals for the District of Columbia invalidated the Agency's existing interim relief regulation based in part, on procedural defects, holding that it was contrary to Congressional interest. (INT. UNION v. MSHA, 823 F. 2d 608 (D.C. Cir. 1987). Therefore, MSHA has issued a proposal addressing interim relief in situations where enforcement of a mandatory standard would result in a diminution of safety to affected miners or in emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standard, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA45

1459. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemical to which they are exposed and the action necessary to protect their safety and health. MSHA is reviewing OSHA's

hazard communication standard and is also reviewing information collected by NIOSH.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA47

1460. ● AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: This regulation combines 1219-AA21, 1219-AA41 and 1219-AA46. The agency is developing a NPRM which incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and exposure limits for most noxious and poisonous gases in underground coal mines. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures; and access to exposure limits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA48

1461. ● REFUSE PILE AND IMPOUNDMENT INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.215

Legal Deadline: None

Abstract: This rulemaking would principally address whether recordkeeping burdens could be reduced in 30 CFR 75.215 which addresses the annual status and certification and weekly inspections of refuse piles and impoundments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA49

1462. ● MINE RESCUE EQUIPMENT TEST AND INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 49

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 49.6(b) which requires records of monthly inspections and tests of mine rescue apparatus and equipment to be kept for one year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA50

1463. ● SCSR INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714-3

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 75.1714-3 which requires records of quarterly inspections and tests of self-contained self-rescue devices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA51

1464. ● SAFETY STANDARDS FOR METHANE IN METAL/NONMETAL MINES; CONFORMING AMENDMENTS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: Existing standards address the use of brattice cloth and ventilation tubing in underground metal/nonmetal mines with a history of, or potential for, methane liberation. These conforming amendments would replace a requirement that such materials have a flame spread rating of 25 or less with a requirement that brattice cloth and to ventilation tubing be approved by MSHA under 30 CFR Part 7.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA52

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

1465. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None

Abstract: The Agency published a proposed rule concerning ventilation in underground mines which included provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues include ventilation of worked-out areas: timeframes for tests for methane; and using intake air that has been used to ventilate a belt conveyor entry. The existing escapeway standards contained in 30 CFR Part 75.1704 (previously RIN: 1219-AA37) are incorporated into the proposal.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	08/19/88	53 FR 26449
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during June 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA11

1466. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: The existing standards governing the use of explosives in underground coal mines are outdated and incomplete. MSHA's final rule substantially reorganizes, clarifies and updates these requirements. In addition, the rule recognizes new explosives technology and permits future changes in technology with assurances for a safe mining environment.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	05/09/86	51 FR 17284
NPRM Comment Period End	07/08/86	51 FR 17284
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: Public hearings were held in November 1986. See also RIN 1219-AA23 for abstract and timetables of related rulemaking to revise approval specifications for explosives. A supplemental public hearing was held 4/22/87 in Bruceton, PA in conjunction with public hearings on 30 CFR Part 15.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA16

1467. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None

Abstract: The requirements for approval of explosives are part of the overall coal review of high priority standards. The final rule updates and clarifies existing specifications and tests, and recognizes new provisions in the development of sheathed explosive units. Public hearings on proposed Part 15 were held during April 1987.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	11/12/86	51 FR 41046
NPRM Comment Period End	01/12/87	51 FR 41046
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA23

1468. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None

Abstract: MSHA is reviewing its radiation standards for underground metal and nonmetal mines and has

identified certain issues with respect to regulatory action. The Agency published a proposal in December 1986 revising its existing ionizing radiation standards. Public hearings were held in August 1987.Several issues still remain to be resolved in the final rule and MSHA is coordinating with NIOSH, EPA, and NRC.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Final Action	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA28

1469. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with the devices which are uniquely adapted or required for mining. A proposed rule to remove MSHA's regulations upon completion of a concurrent NIOSH rulemaking was published in August 1987. However, further rulemaking is contingent upon NIOSH's timetables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32313
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Completion of MSHA's final rule is contingent upon NIOSH's completion of parallel rulemaking.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-1910**

RIN: 1219–AA30

1470. CERTIFICATION AND QUALIFICATION OF PERSONS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.100; 30 CFR 75.150; 30 CFR 77.100; 30 CFR 77.105

Legal Deadline: None

Abstract: Certain MSHA regulations require persons working in coal mines to be qualified or certified to perform certain tasks, e.g., testing for methane, making ventilation examinations, etc. The existing rule requires operators to submit certification and qualification applications to MSHA every six months for recertification. The proposal eliminates the six-month limitation, permitting persons to remain certified or qualified for as long as they continue to satisfy the substantive requirements and remain employed at the same coal mine or independent contractor.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA36

1471. AUTOMATIC WARNING DEVICES FOR MOBILE EQUIPMENT

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.410

Legal Deadline: None

Abstract: MSHA's existing standard requires mobile equipment to be equipped with devices which automatically sound an alarm when the equipment is put in reverse. MSHA is considering revising the standard to exclude pickup trucks if the driver has an unobstructed rear view. The Agency is also considering allowing alternatives to automatic warning devices.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12253
NPRM Comment Period End	07/15/88	
Final Action	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A hearing was held in Pittsburgh, Pennsylvania on August 30, 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA38

1472. AUTOMATIC EMERGENCY-PARKING BRAKES FOR RUBBER-TIRED SELF-PROPELLED ELECTRIC FACE EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.523-3

Legal Deadline: None

Abstract: In 1973, the Agency issued installation and performance requirements for automatic emergency brakes on rubber-tired, self-propelled electric face equipment for underground coal mines. However, there was not sufficient technical data to develop criteria for evaluating the designs of these braking systems. On July 30, 1974, the effective dates for compliance with 75.523-3 were suspended indefinitely. MSHA now has sufficient technical date to review the standard. On March 1, 1988, MSHA published a proposed

safety standard that would require automatic emergency-parking brakes for rubber-tired, self-propelled electric face equipment used in underground coal mines (53 FR 6512). The automatic emergency-parking brakes described in the proposal engage when there is a loss of power to such equipment, and be activated by the equipment operator in an emergency situation. The brakes also act automatically as a parking brake when the equipment is intentionally deenergized.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6512
NPRM Comment Period End	05/02/88	53 FR 6512
Notice of Public Hearing	07/12/88	53 FR 22502
Comment Period-Post Hearing	07/29/88	53 FR 22502
Extended Comment Period	08/29/88	
Final Action	02/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: A public hearing was held on July 12, 1988 in Charleston, West Virginia.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm. 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA39

1473. ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 20

Legal Deadline: None

Abstract: Under existing standards MSHA is limited to investigating and approving lamps which meet the design, construction and test requirements specifically set forth in 30 CFR 20. As a result, the Agency is restricted from approving lamps that incorporate alternative technology. The proposal would amend Part 20 to enable the Agency to issue approvals for lamps which, after testing, are found to be safe for their intended use and provide, at a minimum, the same degree of protection as lamps currently approved under the existing standards.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA40

1474. MULTIPLE-SHOT BLASTING UNITS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 25

Legal Deadline: None

Abstract: The requirements for approval of blasting units are part of the overall coal review to update standards. The revision of existing Part 25 specifications was proposed as Subpart D to Part 7. Under this concept, testing would be done by the applicant or a third party, subject to Agency requirements and approval.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	49 FR 23281
NPRM	06/22/88	53 FR 23506
NPRM Comment Period End	08/22/88	
Final Action	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The review of 30 CFR 25 was originally listed in the Agenda in 1984. In the October 1985 Agenda, MSHA consolidated the Review of Part 25 under 1219-AA16. A proposal was published June 22, 1988 which revises 30 CFR 25 and combines it as a subpart of 30 CFR 7. A hearing is scheduled for October 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA42

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Completed Actions

1475. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Legal Deadline: None

Abstract: This new part allows manufacturers or independent laboratories to test certain equipment prior to issuance of the Agency's approval. The actual authority for approval continues to remain with the government. The final rule contains a mechanism for monitoring quality assurance and conducting post-approval audits.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Hearings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	02/06/86	51 FR 4686
Notice of Public Hearings	02/06/86	51 FR 4668
Extension of Comment Period to 5/7/86	04/04/86	51 FR 11586
NPRM Comment Period End	04/07/86	51 FR 4686

Action	Date	FR Cite
Final Action	06/22/88	53 FR 23486
Final Action Effective	08/22/88	53 FR 23486

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during July 1986.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA06

1476. SAFETY STANDARDS FOR LOADING, HAULING AND DUMPING AND MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.9000; 30 CFR 57.9000

Legal Deadline: None

Abstract: The loading, hauling and dumping and machinery and equipment (previously RIN: 1219-AA19) standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. As a result of consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency reorganized the standards to more accurately and clearly identify the hazards. A combined final rule of these two sections was published in April 1988.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
NPRM Comment Period End	02/19/85	49 FR 49202
Final Action	08/25/88	53 FR 32496
Final Action Effective	10/24/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Public hearings were held during August 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA18

1477. METAL AND NONMETAL AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: The Agency is developing a NPRM which would replace an incorporation by reference with updated permissible exposure limits which are specifically applicable to the hazards encountered in metal and nonmetal mining. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals: notification of workers of overexposures: and access to exposure records.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
ANPRM Comment Period End	11/07/83	
Integrated into 1219-AA48	07/29/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA21

1478. COAL AIR QUALITY

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70

Legal Deadline: None

Abstract: Permissible exposure limits for most noxious and poisonous gases in underground coal mines are addressed in 30 CFR 75.301-2. This ventilation standard incorporates by reference an outdated national consensus standard. MSHA would replace the incorporation by reference with updated standards that are more specific to the mining industry. These standards would be recodified with other health standards for underground coal mining in 30 CFR 70.

Timetable:

Action	Date	FR Cite
Integrated into 1219-AA48	07/29/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA41

1479. ASBESTOS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 71.702; 30 CFR 56.5001(b); 30 CFR 57.5001(h)

Legal Deadline: None

Abstract: In 1986, OSHA lowered its asbestos limit to general industry to .2 fibers per cubic centimeter. MSHA will consider whether this limit would also be appropriate for the mining industry based on the health risks posted and the economic and technical feasibility of lowering the present limit.

Timetable:

Action	Date	FR Cite
Integrated into 1219-AA48	07/29/88	

DOL—MSHA

Completed Actions

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA46

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1480. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1681 to 1683; 15 USC 3151; 29 USC 1501 et seq; 20 USC 1685; 20 USC 1686

CFR Citation: 29 CFR 31

Legal Deadline: Final, Statutory, September 12, 1979.
Two of the statutes have deadlines by which the agency must publish regulations. The earliest deadline was set by the ADA, which required implementing regulations within (CONT'D) 12, 1979.

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Sectors Affected: None

Additional Information: The regulation must be coordinated with DOJ pursuant to Executive Order 12250 and with the Office of Management and Budget for review pursuant to E.O. 12291, prior to publication as an NPRM. (#10 LEGAL DEADLINE (CONT'D): 90 days of the HHS guidance regulation published on June 12, 1979.

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291–AA02

1481. ● ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS are now preparing a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees. It is expected that the common rule already published on governmental grantees will be amended to incorporate the requirements for non-governmental grants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theodore Goldberg, Director, Office of Procurement and, Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-8904

RIN: 1291–AA15

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1482. ● DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) (REVISION)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 29

Legal Deadline: None

Abstract: Revise Department of Labor Acquisition Regulation (DOLAR) to delete duplicative material and make other editorial changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement and, Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-9174

RIN: 1291–AA06

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

1483. GUIDELINES FOR NONPROCUREMENT SUSPENSION AND DEBARMENT

Significance: Agency Priority

Legal Authority: EO 12549

CFR Citation: 29 CFR 98

Legal Deadline: Final, Statutory, May 26, 1988.
Deadline required by E.O. 12549 of 2/18/86

Abstract: Executive Order 12549 provides that to the extent permitted by law, Executive Departments and agencies shall participate in a debarment and suspension from programs and activities involving Federal financial assistance. This proposed regulation covers the Department of Labor's participation in voluntary common rulemaking to implement the Executive Order. OMB has developed the guidelines and the proposed common rule.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39024
NPRM Comment Period End	12/20/87	
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291–AA11

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1484. MANUAL LIFTING (PARTS 1910, 1915, 1917, 1918, 1919, 1926 AND 1928)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information onManual Lifting-Related Injuries	10/02/86	51 FR 35241
Reopening of Comment Period and Expansion of Scope	04/17/87	52 FR 12559

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Additional Information: The Agency has determined that it will establish an interagency work group within the Department to seek more information in the area of manual lifting. Rulemaking is, therefore, not scheduled to begin immediately.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA95

1485. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: OSHA is developing a modification of the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. No costs or benefits have yet been estimated.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB00

1486. GENERIC STANDARD FOR EXPOSURE MONITORING

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

DOL—OSHA — Prerule Stage

Legal Deadline: None

Abstract: OSHA is developing a modification of the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. No costs or benefits have yet been estimated.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB01

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1487. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, it is time for OSHA to review and modernize the carcinogen policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA01

1488. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period onPreproposal Draft Ends	11/29/85	
NPRM	10/00/88	
NPRM Comment Period End	02/00/89	
Final Action	10/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

1489. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

DOL—OSHA

Proposed Rule Stage

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702

Legal Deadline: None

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicated that revision of the existing standard applicable to such construction operations was necessary. The previous concrete standard contained outdated referenced standards, gaps in coverage, redundant provisions, and provisions which needed clarification. The referenced standards have been updated and placed in the body of the standard. New standards have been added to cover precast concrete erection and masonry wall construction. The provisions that were identified as being redundant have been removed and the ambiguous provisions have been clarified. However, the record will be reopened to allow information and evidence obtained from the investigation of a recent major accident to be included in the record pertaining to lift-slab operations. Revised lift-slab rules will then be proposed.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/06/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action (Except Lift-Slab)	06/16/88	53 FR 22612
FINAL ACTION (EFFECTIVE DATE) (Except Lift-Slab)	08/15/88	53 FR 22612
NPRM -- Reproposal of Lift-Slab Rules	09/15/88	53 FR 35972
NPRM Public Comment Period End -- Reproposal of Lift-Slab Rules	11/14/88	
Final Action on Lift-Slab Rules	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA20

1490. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos.

OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial admin. stay	10/17/86	51 FR 37002
Extension of partial admin. stay	04/30/87	52 FR 15722
Extension of partial admin. stay	07/20/88	53 FR 27345
NPRM	02/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA26

1491. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be

closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	10/00/88	
NPRM Comment Period End	02/00/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA28

1492. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
NPRM - Second	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA34

1493. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-2); 29 CFR 1910.1028

Legal Deadline: None

Abstract: OSHA has amended its standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's determination that the amendments are needed to reduce the risk of leukemia and other adverse health effects associated with occupational exposure to benzene.

OSHA published its final amendment to the standard on September 11, 1987. Due to technical problems associated with the completion of a detailed study of feasibility in barge and tanker cleaning and repair operations, however, OSHA exempted these operations from certain provisions of the standard. OSHA intends to issue a proposal to amend the benzene standard which will address the factors specific to the barge and tanker cleaning and repair industry.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice Changing Public Hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public Hearings	03/11/86	50 FR 50512
Final Action	09/11/87	52 FR 34460
Final Action Effective	12/10/87	
NPRM on Barge/Tanker Cleaning and Repair Operations	03/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA47

1494. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart I)

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

1495. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

DOL—OSHA

Proposed Rule Stage

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA51

1496. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA52

1497. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA56

1498. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	10/00/88	
NPRM Comment Period End	03/00/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and intends to publish a proposed standard for MDA within 90 days.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA58

1499. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA59

1500. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 26 Paper and Allied Products

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA61

1501. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: This action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, holting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revise requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA65

1502. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.21 - .23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational

Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA66

1503. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA68

1504. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.36 - .37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA70

1505. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA71

1506. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

1507. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating.

The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 - .252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA73

1508. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA74

1509. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-1)

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. OSHA intends to initiate rulemaking to revise the standard for BD pursuant to section 6(b) of the Occupational Safety and Health Act.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA83

1510. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA announced that it would begin rulemaking proceedings for these chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA84

1511. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218–AA91

1512. GEAR CERTIFICATION (PART 1919)

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None

Abstract: In its May 7, 1987, Federal Register notice the Agency requested information to assist in the possible revision of 29 CFR Part 1919. Part 1919, entitled "Gear Certification," implements requirements located in each of OSHA's maritime standards which cover work carried out within the Federal maritime jurisdiction. Changes in the design and composition of cargo handling gear which have evolved since these rules were last amended (1969) provided questions as to the efficacy of the current rules. Additionally, the Agency sought comments that would suggest ways in which the administrative function of the accreditation program could be improved. Comment period ended: August 5, 1987.

Timetable:

Action	Date	FR Cite
Request for Information	05/07/87	52 FR 17302
Comment Period Closed	08/05/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 37 Transportation Equipment; 44 Water Transportation

Additional Information: The Agency has determined, based on input to its "Request for Comments and Information," that minor revision to Gear Certification (Part 1919) is necessary.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA97

1513. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA has issued a set of guidelines for controlling occupational exposure to DCM and has decided to proceed with rulemaking to develop a new permanent standard. OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

1514. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. As the final rule was published pursuant to a court order without having published a NPRM, OSHA invited additional comment on the final rule for 60 days. The Agency is now proposing some modifications to the final rule to address issues of concern.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/24/88	
Final Action	02/00/89	

DOL—OSHA **Proposed Rule Stage**

Action	Date	FR Cite
Final Action Effective	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB02

1515. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The agenda RIN 1218-AB04 is an aggregate of RIN 1218-AA46 [Scaffolds and Similar Work Surfaces (Part 1910)] and RIN 1218-AA50 (Ladders and Similar Climbing Devices (Part 1910)).

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB04

1516. BLOODBORNE INFECTIOUS DISEASES

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Many health-care workers are exposed to blood and body fluids from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care workers. One such disease, hepatitis B, has been shown to present a substantially increased risk for health-care workers. Data received by OSHA indicate that of the approximately 300,000 cases of hepatitis B diagnosed in the U.S. each year, approximately 6.0 percent, or 18,000 cases, are among health-care workers. It has been estimated that 222-265 health-care workers die each year as a result of hepatitis B and associated complications. About half of the nation's five million health-care workers are at increased risk from exposure to bloodborne infectious diseases. The highest risks are experienced by emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers and blood bank employees. OSHA's personal protective equipment standard, 29 CFR 1910.132(a), provisions for general housekeeping, 29 CFR 1910(a)(1) and waste disposal, 29 CFR 1910. 141(a)(4)(ii)) along with Section 5(a)(i) of the Act (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45438
ANPRM Comment Period End	01/26/88	52 FR 45438
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT (CONT'D): requiring employers to provide employment and a place of employment free of recognized hazards ..., will be used to reduce some, but not all of the hazards of bloodborne diseases. In 1983, the Agency issued voluntary guidelines for reducing the occupational risk of hepatitis B infection. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and acquired immune deficiency syndrome (AIDS). The agency is currently drafting a proposed standard.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, Dc 20210, 209 523-7075

RIN: 1218–AB15

1517. CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, (Table Z-2)

Legal Deadline: None

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. OSHA is in the process of developing a proposed standard.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	01/00/89	
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs,

Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB16

1518. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart H)

Legal Deadline: None

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in three phases in an expanded timeframe. The three phases will be (1) Process Hazards Management, (2) Flammable and Compressed Gases, and, (3) Hazardous Liquids. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities od dangerous substances. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 38108
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and Combustible Liquids (Part 1910)" and will also include storage and handling of toxic materials.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB20

1519. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq.; 29 CFR 1915.31 et seq.; 29 CFR 1915.91 et seq.; 29 CFR 1915.111 et seq.; 29 CFR 1915.131 et seq.; 29 CFR 1915.161 et seq.; 29 CFR 1915.171 et seq.; 29 CFR 1915.181; 29 CFR 1910.13; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision will involve the promulgation of 16 maritime subparts and their 1910 counterparts. Its completion will relieve shipyard owners from the burden of having to comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA will establish an Advisory Committee to assist the agency in reviewing and revising these subparts. Experts from government, industry, unions and the states will be asked to work with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB22

1520. ● HAZARDOUS WASTE TRAINING COURSE CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126 (as amended); 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB23

DEPARTMENT OF LABOR (DOL) — **Final Rule Stage**

Occupational Safety and Health Administration (OSHA)

1521. OCCUPATIONAL EXPOSURES TO HAZARDOUS CHEMICALS IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public Hearings	03/24/87	52 FR 1212
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA00

1522. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public HearingHeld	02/08/84	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

1523. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331; 29 CFR 1910.332; 29 CFR 1910.333; 29 CFR 1910.334; 29 CFR 1910.335; 29 CFR 1910.399; 29 CFR 1910.26(c)(3)(iii); 29 CFR 1910.67(b)(4); 29 CFR 1910.68(b)(4); 29 CFR 1910.68(c)(5)(iv)(c); 29 CFR 1910.94(a)(2)(iii); 29 CFR 1910.103(b)(3)(iii)(e); 29 CFR 1910.106(h)(7)(iii)(a); 29 CFR 1910.110, (Table H-28); 29 CFR 1910.178(c)(2); ...

Legal Deadline: None

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45530
NPRM Comment Period End	02/29/88	52 FR 45530
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA32

1524. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA33

1525. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None

Abstract: This rule prescribes the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12288
NPRM Comment Period End	10/14/87	52 FR 22799
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA36

1526. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.700(b)(1); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA37

1527. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None

Abstract: The existing standards are being revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standards are too restrictive. In addition, existing language is being rewritten to clarify the requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Barry White**, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

1528. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary

and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA40

1529. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147. (New)

Legal Deadline: None

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy could cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	
NPRM	04/29/88	53 FR 15496
NPRM Comment Period End	06/28/88	53 FR 15496
Final Action	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA53

1530. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA57

1531. HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126 (as amended); 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120, (Subpart H)

Legal Deadline: Final, Statutory, October 16, 1987.

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response by October 17, 1987. The law requires the proposed rule to address eleven areas: site analysis, training, medical surveillance, protective equipment, engineering controls, maximum exposure limits, informational programs, handling and labeling, new technology programs, decontamination procedures, and emergency response. The agency has developed a Preliminary Regulatory Impact Analysis which is available in the docket. The analysis estimates that the benefits are significant and that annualized costs are $71 million for training, $17 million for medical surveillance, $12 million for decontamination, $11 million for protection suits and $37 million for other requirements. OSHA held public hearings in Washington, D.C. and Seattle, Washington to enhance public comment and participation in this rulemaking.

On December 22, 1987 Congress amended SARA to require the Secretary of Labor to develop a training certification program at least as comprehensive as the EPA's Model Program for (CONT'D)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/19/86	51 FR 45654
NPRM	08/10/87	52 FR 29620
NPRM Comment Period End	10/05/87	52 FR 29620
Public Hearings held in Washington, DC, and Seattle, Washington	10/13/87	52 FR 37973
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Additional Information: INFORMATION REGARDING ITEM #6: Because Public Law 99-499 requires the use of trained workers, there may be some impact or subcontractors who will either need to hire trained employees, than existing employees, or not participate in the cleanup of hazardous wastes. ABSTRACT (CONT'D): Asbestos Abatement in Schools. OSHA will be developing this certification program as a separate rulemaking.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AB13

1532. PERMISSIBLE EXPOSURE LIMIT UPDATE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1000, (Tables Z-1 to Z-3)

Legal Deadline: None

Abstract: In 1972, OSHA promulgated permissible exposure limits (PELs) for a number of toxic substances, pursuant to authority granted by section 6(a) of the Act, which allowed OSHA (for a limited period) to adopt existing Federal standards or industry consensus standards as enforceable OSHA standards. Accordingly, the lists of toxic substances now codified at 29 CFR 1910.1000, Tables Z-1 and Z-3, were Federal standards adopted under the Walsh-Healey Public Contracts Act, which, in turn, were adopted from the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) for 1968. The substances listed at 29 CFR 1910.1000, Table Z-2, were adopted from American National Standards Institute standards. Industrial experience, new developments in control technology, and scientific data acquired since 1968 have led the ACGIH to make changes in its TLVs over the years. Many of the TLVs have been lowered, and limits for additional chemicals have been established. During this period, OSHA has promulgated revised standards for toxic substances on a substance-by-substance basis. This process, however, has not kept up with (Cont'd)

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20960
NPRM Comment Period End	07/08/88	
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: ABSTRACT (CONT'D): the number of changes made by ACGIH. OSHA believes that 29 CFR 1910.1000, Tables Z-1, Z-2 and Z-3 should be updated, as appropriate, to conform with current scientific and technical knowledge. OSHA intends to initiate rulemaking to accomplish this update.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AB17

1533. LEAD (RECONSIDERATION OF THE FEASIBILITY OF COMPLIANCE IN NINE INDUSTRY SECTORS)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1025

Legal Deadline: Final, Judicial, November 28, 1988.

Abstract: On December 11, 1981 (46 FR 60758), OSHA published a Revised Statement of Reasons concerning the feasibility of compliance with paragraph (e)(1) of the standard for occupational exposure to lead, which had been promulgated in 1978. In this revised statement, OSHA stated that it could not reach a conclusion regarding feasibility, on the basis of the existing rulemaking record, for eight specific industry sectors: lead chromate pigments, lead chemicals, nonferrous foundries, brass and bronze ingot production, secondary copper smelting leaded steel, shipbuilding and ship repair, stevedoring, and battery breaking separate from secondary smelting, and that in addition, it wished to reexamine the applicability of the lead standard to the stevedoring industry. OSHA requested that the record (which was under review by the U.S. Court of Appeals for the District of Columbia Circuit) be remanded for supplementary administrative proceedings. The Court granted OSHA's December 1981 request on March 31, 1987, and remanded the record to OSHA for further administrative proceedings to determine the feasibility of section (e)(1) for the nine industry sectors OSHA had (Cont'd)

Timetable:

Action	Date	FR Cite
Reopening of Lead Rulemaking Records	08/03/87	52 FR 28727
End of Comment Period	09/16/87	
Public Hearings	09/29/87	
Final Action	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): listed. The Court further ordered OSHA to return the record on or before October 1, 1987. On June 17, 1987, OSHA filed with the Court a motion requesting a 90-day extension to January 1, 1988. On July 31, 1987 the Court granted OSHA's motion. OSHA published in the Federal Register on August 3, 1987, a notice of a limited reopening of the rulemaking record (limited to the issue of feasibility) and specified September 2, 1987 for the receipt of comments from the public and September 15, 1987 for public hearings. Thereafter, at the request of industry and labor, OSHA deferred the

relevant dates for the rulemaking until September 16 and 29, 1987, respectively.OSHA requested, and was granted by the Court, an extension for final action until July 15, 1988.Because of the complexity of the issues, OSHA petitioned the court on July 15 for an extension of time for the return of the record until the end of November 1988.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB18

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

1534. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Legal Deadline: None

Abstract: The existing record access rule was promulgated in May 1980. The rule requires employers to preserve and maintain exposure and medical records pertinent to employee exposure to toxic substances, and to ensure access to these records by employees, designated employee representatives and OSHA. As a result of numerous requests and suggestions for changes to the standard, OSHA published a proposal to revise the standard in 1982. OSHA intends to publish soon a final rule that resolves many of the issues raised in the 1982 proposal. This regulation will be similar to the regulation promulgated in 1980 with certain exceptions relating to: (1) first-aid records and medical records of short-term employees; (2) the microfilm storage of employee X-rays; (3) employer trade secrets; (4) employee exposure record requirements for other records; and (5) unconsented access to employee exposure records by union representatives.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
NPRM Comment Period End	09/14/82	
Public Hearing Held	10/05/82	
Final Action	09/29/88	53 FR 38140
Final Action Effective	11/28/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA15

1535. CRANE OR DERRICK SUSPENDED PLATFORMS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.550

Legal Deadline: None

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that was not previously covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking was not successful. This final rule has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
Final Action	08/02/88	53 FR 29116
Final Action Effective	10/03/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 15 Building Construction-General Contractors and Operative Builders; 16 Heavy Construction Other Than Building Construction-Contractors; 17 Construction-Special Trade Contractors

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA45

1536. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None

Abstract: This regulatory action is being made to update the rollover protective structures to reflect the latest technology. In addition, the action will eliminate redundant provisions, remove outdated referenced consensus standards, and delete ambiguous language from the existing provisions which address motor vehicles, material handling equipment, pile driving equipment, site clearing, and marine operations and equipment.

Timetable:

Action	Date	FR Cite
Deferred	07/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: OSHA has determined, based on staff resources and priorities, that immediate action will not be taken. Data collection will continue and the Agency intends to reevaluate the decision within 12 to 18 months.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA63

1537. COMPRESSED AIR (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Legal Deadline: None

Abstract: OSHA published a "Request for Comments and Information" on April 22, 1985, on the subject of working in compressed air and decompression (50 FR 15756). Based on the information obtained, OSHA has determined that immediate action will not be taken. The Agency intends to continue data collection, and to reevaluate the decision in light of additional input, staff resources, and Agency priorities within 12 to 18 months.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
Comment Period Closed	07/22/85	
Deferred	07/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA76

1538. ASBESTOS SHORT TERM EXPOSURE LIMIT

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: Final, Judicial, September 6, 1988.
The United States Court of Appeals for the District of Columbia Circuit ordered OSHA's reconsideration of the STEL issue be completed within 60 days of the issuance of the mandate (Cont'd)

Abstract: In June 1986, OSHA promulgated revised standards governing exposure to asbestos in general industry and construction. OSHA reduced the 8-hour Time Weighted Average (TWA) Permissible Exposure Limit (PEL) to 0.2 f/cc, but did not issue a short term exposure limit (STEL). OSHA's principal reason for not issuing an excursion limit was that the rulemaking record failed to show a dose-rate effect. Subsequently, in July 1986, the Court of Appeals for the District of Columbia, in reviewing the EtO standard, held that OSHA may not base its determination to not issue a STEL on the lack of a "dose-rate effect" and that the "OSH Act compels the Agency to adopt a STEL if the record shows that it would further reduce a significant health risk and is feasible to implement." To conform to this judicial decision OSHA plans to amend the Asbestos standards by the issuance of an appropriate excursion limit for all workplaces affected by the revised Asbestos standards.

Timetable:

Action	Date	FR Cite
NPRM	04/01/84	49 FR 14116
Final Action	06/20/86	51 FR 22612
Final Action Effective	07/21/86	51 FR 22612
Final Action	09/14/88	53 FR 35610
Final Action Effective	10/14/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: #10 (Cont'd): (7/6/88) in the asbestos decision, Building and Construction Trades Department, AFL-CIO v. Brock 838 F.2d 1258, 1273 (CADC, 1988).

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB21

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Monday
October 24, 1988

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 218]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354), the October 1988 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB Bulletin 88-15, dated June 24, 1988. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-2350.

Dated: September 6, 1988.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Prerule Stage

1539. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: Eventual U.S. ratification of 1973 Convention; providing a Uniform Law on the Form of an International Will; will provide basis for establishing Registry

CFR Citation: 22 CFR 92.81(3), amendment to

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention (see 3, above), there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400–AA09

1540. FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Peter H. Flournoy, Attorney-Adviser, Department of State, Office of the Legal Adviser, Washington, DC 20520, 202 647-2282

RIN: 1400–AA10

1541. SOUTH AFRICA AND FAIR LABOR STANDARDS

Legal Authority: 22 USC 5034; 22 USC 5035; 22 USC 5111; 22 USC 5113

CFR Citation: 22 CFR 60 to 65

Legal Deadline: None

Abstract: Executive Order 12532 of September 9, 1985 required U.S. firms operating in South Africa to take good faith measures with respect to certain fair labor standards. A final rule was promulgated for this purpose after receiving public comments. The requirements of this Executive Order were later codified in the Comprehensive Anti-Apartheid Act of October 2, 1986, and amendments to the regulations were promulgated as a final rule on October 22, 1986. The first annual review of the labor practices of U.S. firms was published in September 1987. The Department of State revised the questionnaire after the first report was published. The Department will review the regulations and questionnaire in the last quarter of 1988 after the second report is issued in September 1988.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert Bruce, Executive Director, South Africa Fair Labor Standards Program, Department of State, AF/S, 2201 C Street, NW., Washington, DC 20520, 202 647-9866

RIN: 1400–AA19

1542. AUTOMOBILE LIABILITY INSURANCE REPORTING REQUIREMENTS UNDER THE FOREIGN MISSIONS ACT

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254a

CFR Citation: 22 CFR 151

Legal Deadline: None

STATE

Prerule Stage

Abstract: The Foreign Missions Act Amendments of 1983 amended the Diplomatic Relations Act of 1978 and the Foreign Missions Act to enforce more effectively a requirement that persons connected with foreign missions carry liability insurance against risks arising from the operation in the U.S. of automobiles, vessels or aircraft by persons entitled to diplomatic or consular immunity. The Department issues and enforces pertinent regulations with the aim of ensuring that the objectives of this program are achieved. The regulations are designed to carry out the obligations of the U.S. to foreign diplomatic and consular missions, to induce concessions for U.S. diplomatic and consular missions abroad, and to protect the U.S. public against uninsured foreign drivers. The expected potential benefits to society will greatly outweigh potential costs. We continue our analysis and discussions to ensure that regulatory mechanisms chosen maximize net benefits and minimize net costs. We seek to set priorities for our regulatory goals and objectives to maximize aggregate net benefits to society. In that connection, the liability insurance regulations have first priority.

Timetable:

Action	Date	FR Cite
Determination of milestones for future action	05/05/88	
Continue discussions with insurance industry	01/01/89	
Continue Congressional review	12/30/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, Washington, DC 20520, 202 647-3416

RIN: 1400–AA24

1543. ● COLLECTION OF DEBTS BY THE STATE DEPARTMENT UNDER THE DEBT COLLECTION ACT OF 1982

Legal Authority: 31 USC 3701 to 3719 Federal Claims Collection Act, as amended; PL 97-365 Debt Collection Act of 1982

CFR Citation: 22 CFR 34

Legal Deadline: None

Abstract: These regulations establish rules for the collection of debts owed to the State Department and the United States. The regulations implement the collection procedures authorized by the Federal Claims Collection Act as amended by the Debt Collection Act of 1982, which authorizes debt collection procedures including contracting for collection services, administrative offset and salary offset.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ramen A. Evon, Systems Accountant, Office of Financial Management, Department of State, Room 4709, SA-15, Washington, DC 20520, 202 875-6880

RIN: 1400–AA25

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

1544. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of PL 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of PL 98-164.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400–AA04

1545. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

STATE

Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, **202 647-3416**

RIN: 1400–AA07

1546. REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a $5,000 penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, **202 647-4446**

RIN: 1400–AA13

1547. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: This regulation established uniform administrative requirements for grants and cooperative agreements to State and local governments. The regulation is being changed to include institutions of higher education, hospitals, and other nonprofit organizations. This effort represents a merging of OMB circulars A-102 and A-110, and is being promulgated by many Federal agencies under the common rulemaking procedures.

Timetable:

Action	Date	FR Cite
Notice requesting comments on OMB Circular A-110 review	06/24/87	52 FR 23729
Begin Review	06/24/87	52 FR 23729
NPRM	09/30/88	
NPRM Comment Period End	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Washington, DC 20520, **703 875-7047**

RIN: 1400–AA20

DEPARTMENT OF STATE (STATE)

Completed Actions

1548. IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

CFR Citation: 22 CFR 94 (108.870)

Completed:

Reason	Date	FR Cite
Final Action	06/24/88	53 FR 23843
Final Action Effective	07/01/88	53 FR 23843

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carmen A. DiPlacido **202 647-3666**

RIN: 1400–AA05

1549. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

CFR Citation: 48 CFR 601 to 653

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26158
Final Action Effective	07/11/88	53 FR 26158

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Conway **703 875-7047**

RIN: 1400–AA16

1550. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

CFR Citation: 22 CFR 137

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	53 FR 19161

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Conway 703 875-7047

RIN: 1400–AA21

1551. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

CFR Citation: 22 CFR 120 to 130

Completed:

Reason	Date	FR Cite
Final Action	04/04/88	53 FR 11494
Final Action Effective	04/04/88	53 FR 11494

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Chard 703 875-6650

RIN: 1400–AA23

[FR Doc. 88-21373 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 88-4]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street, SW., Washington, DC 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, SW., Washington, DC 20591; and the U.S. Coast Guard, which is located at 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

Table of Contents

Supplementary Information:
- Background
- Regulatory Flexibility Act
- Regulatory Impact Analysis
- Definitions
- Explanation of Information on the Agenda
- Mailing Lists for Regulatory Documents
- General Rulemaking Contact Persons
- Public Rulemaking Dockets
- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
- Appendix C - Public Rulemaking Dockets

Agenda

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register**. The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last agenda was published in the **Federal Register** on April 25, 1988 (53 FR 14039). The next one is scheduled for publication in the **Federal Register** in April 1989.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1)Is likely to result in:

(a)An annual effect on the economy of $100 million or more;

(b)A major effect on the general economy in terms of costs, consumer prices, or production;

(c)A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d)Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2)The Secretary or head of the initiating office has determined requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the **Federal Register** which may occur between agenda publications. (Departmental rulemaking documents published in the **Federal Register** now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made

on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for, or to obtain, copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the

agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC on September 24, 1988.

Jim Burnley,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures, or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of any regulatory document to be issued, that is listed in this agenda, should communicate, either by telephone or by letter, with the contact person listed with the regulation, at the following addresses:

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

(Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street, SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 Seventh Street, SW., [Room 7300B], Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons interested in a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings if they so request.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2110, 2100 Second Street, SW., Washington, DC 20593. Telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915A, Washington, DC 20591. Telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, SW., Room 4223, Washington, DC 20590. Telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, SW., Room 8201, Washington, DC 20590. Telephone: 202/366-0767.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street, SW., Room 5219, Washington, DC 20590. Telephone: 202/366-2992.

UMTA - Linda Hart, Office of Chief Counsel, 400 7th Street, SW., Room 9316, Washington, DC 20590. Telephone: 202/366-4011.

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, SW., Room 5424, Washington, DC 20590. Telephone: 202/366-0101.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street, SW., Room 8420, Washington, DC 20590. Telephone: 202/366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street, SW., Room 7300B, Washington, DC 20590. Telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington, DC 20590. Telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, SW., Room 2110, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street, SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

DOT

NHTSA - Docket Room, 400 7th Street, SW., Room 5109, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1552	+ Review of Department-Wide Drug Regulations	2105-AB24
1553	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1554	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1555	Air Carrier Cargo Tariff Publications	2105-AA31
1556	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1557	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1558	Direct Flights	2105-AA73
1559	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1560	Comprehensive Review of CAB Consumer Rules	2105-AB03
1561	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1562	+ Commercial Space Transportation: Liability Requirements for Commercial Space Launch Activities	2105-AA26
1563	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1564	+ Statement of Enforcement Policy on Rebating	2105-AB39
1565	+ Antidrug Programs for Department of Transportation Contractors	2105-AB40
1566	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation -- State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1567	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1568	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1569	+ Electronic Filing of Tariffs	2105-AB00
1570	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1571	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1572	+ Certification of Speed-Limit Enforcement	2105-AB22
1573	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1574	+ Posting of Tariffs -- Notice of Contract of Carriage	2105-AB38
1575	Title VI Civil Rights Regulation	2105-AA02
1576	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1577	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1578	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1579	Airline Time and Mileage Guides	2105-AA39
1580	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1581	Zones for Airline Mail Rates	2105-AA44
1582	Air Travelers: Age Discrimination	2105-AA45
1583	Policy Statement on Airline Preemption	2105-AA46
1584	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1585	Effect of Expiration of a Bilateral on Foreign Air-Carrier Authority	2105-AA68
1586	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77

DOT

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1587	Diversion of Flights Within a Metropolitan Area	2105-AA78
1588	Simplified Aviation Exemption Procedures	2105-AA82
1589	Baggage Liability Notices in International Air Transportation	2105-AA84
1590	Simplified Airline Counter-Sign Notices	2105-AA88
1591	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20
1592	Counting UMTA Reduced-Fare Program Costs Toward 504 Cost Cap	2105-AB29
1593	Collection of Claims Owed the United States	2105-AB33

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1594	+ Public Availability of Information	2105-AA05
1595	+ Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors	2105-AB41
1596	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations -- Proposed Rules	2105-AB15
1597	Warranty Regulations for Major System Acquisitions of the United States Coast Guard -- Proposed Rule	2105-AB16
1598	Names of Air Carriers and Foreign Air Carriers	2105-AB18
1599	Airline Service Quality Performance	2105-AB28
1600	Debarment and Suspension (Nonprocurement)	2105-AB34
1601	Department of Transportation Board of Contract Appeals Rules	2105-AB35

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1602	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094)	2115-AC87
1603	Inland Waterway Navigation Regulations; All Waters Tributary to the Gulf of Mexico (85-096)	2115-AC03
1604	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1605	Hydraulic Release Units for Lifesaving Equipment: SOLAS 74/83 (85-206)	2115-AC52
1606	Revision of Davit and Winch Approval Requirements: SOLAS 74/83 (85-207)	2115-AC53
1607	Radar Reflector Approval Requirements: SOLAS 74/83 (85-209)	2115-AC54
1608	Revision of Lifebuoy Approval Requirements: SOLAS 74/83 (85-210)	2115-AC55
1609	Port Access Routes; Approach to Freeport, Texas (CGD 87-038)	2115-AC78
1610	Oil Discharge Monitoring and Control System (CGD 87-057)	2115-AC85
1611	Marine Transport of Bulk Solid Hazardous Materials (87-069)	2115-AD02
1612	Private Electronic Aids to Maritime Navigation (88-011)	2115-AD04
1613	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Materials (88-049)	2115-AD06

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1614	+ California Offshore Routing System (83-032)	2115-AB29
1615	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1616	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1617	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1618	+ Regulations for Self-Elevating Offshore Service and Support Vessels (CGD 86-074)	2115-AC63
1619	+ Imposition of User Fees for Certain Coast Guard Services; Documentation and Licensing (CGD 87-020)	2115-AC74

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1620	+ Prevention of Pollution by Plastics, Annex V of MARPOL(88-002)	2115-AC89
1621	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1622	Crane Operator Qualifications and Standards for Offshore Crane Design, Inspection, Testing, and Operation (79-059)	2115-AA34
1623	Inflatable Liferaft Stability (80-113)	2115-AA50
1624	Maneuvering Performance Regulations (80-136)	2115-AA53
1625	Servicing Inflatable Liferafts (81-010)	2115-AA57
1626	Personal Flotation Devices (81-023)	2115-AA58
1627	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1628	Offshore Supply Vessel Regulations (82-004)	2115-AA77
1629	General Revisions of Pollution-Prevention Regulations for Tankers (82-030)	2115-AA88
1630	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1631	Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1632	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1633	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1634	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1635	Marine Portable Tanks (84-043)	2115-AB69
1636	Personal Flotation Device Components (84-068)	2115-AB70
1637	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1638	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1639	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1640	Certification of Seamen (84-088)	2115-AC02
1641	Fire Detection and Alarm Systems (85-051)	2115-AC13
1642	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1643	Subchapter "T" Title 46, General Updates and Revisions (85-080)	2115-AC22
1644	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1645	46 CFR Subchapter 1. Editorial Revisions and Corrections (86-033)	2115-AC28
1646	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1647	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1648	Uninspected Fish-Processing Vessels (86-025)	2115-AC34
1649	Cargo Lists and Tables Update (CGD 88-100)	2115-AC35
1650	Load Lines (86-013)	2115-AC37
1651	Navigation Bridge Visibility (CGD 85-099)	2115-AC42
1652	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1653	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1654	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1655	Revision of Pyrotechnic Distress Signal Approval Requirements: SOLAS 74/83 (85-203)	2115-AC49
1656	Revision of Disembarkation Ladder Approval Requirements: SOLAS 74/83 (85-204)	2115-AC50
1657	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
1658	Revision of Life Jacket Light Approval Requirements: SOLAS 74/83 (85-211)	2115-AC56
1659	Advance Notice of Arrival (CGD 86-055)	2115-AC58
1660	Tonnage Measurement of Vessels (87-015b)	2115-AC67
1661	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
1662	Small Passenger Vessel Manning and Personnel Qualifications (85-080a)	2115-AC93
1663	Lifeboat, Liferaft and Rescue Boat Approval Requirements - SOLAS 74/83 (85-201a)	2115-AC94
1664	Floating Electric Waterlights (85-208)	2115-AC95
1665	Suspension of Barrel Fees(88-050)	2115-AD01
1666	Cargo Gear Inspection and Testing (87-089)	2115-AD03
1667	Incorporation and Adoption of Industry Standards (88-032)	2115-AD05
1668	Part 165--Regulated Navigation Areas and Limited-Access Areas	2115-AD07

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1669	+ Hazardous Materials Pollution Prevention: Bulk Liquids (86-034)	2115-AC29
1670	+ Tankerman Requirements (CGD 79-116)	2115-AA03
1671	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1672	+ Licensing of Maritime Personnel (CGD 81 - 059)	2115-AA64

DOT

U.S. Coast Guard—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1673	+ Offshore Evacuation Procedures (84-098(b))	2115-AC41
1674	+ Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (CGD 86-067)	2115-AC45
1675	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1676	Defect Notification and First-Purchaser Information (77-115)	2115-AA16
1677	Vessel Piping Systems (77-140)	2115-AA17
1678	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1679	Launching Devices for Liferafts (79-168)	2115-AA45
1680	General Bridge Permit Regulations (81-057)	2115-AA61
1681	Pollution Rules for Ships Carrying Hazardous Liquids (81-101)	2115-AA73
1682	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1683	Safety/Security Zone Regulations	2115-AA97
1684	Anchorage Area Regulations	2115-AA98
1685	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1686	Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1687	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1688	Oil Pollution Prevention, MARPOL Annex I (85-026)	2115-AC11
1689	Carriage and Operational Requirements for Inflatable Life Jackets (78-174b)	2115-AC16
1690	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1691	Incorporations by Reference, Voluntary Industry Standards (CGD 87-046)	2115-AC72
1692	Electrical System Standard (CGD 87-009)	2115-AC73
1693	Port Access Routes; Approach to Mobile, Alabama (CGD 88-034)	2115-AC81
1694	Regattas and Marine Parades (CGD 87-087)	2115-AC84
1695	Alternative Provisions for Reinspections of Offshore Supply Vessels in Foreign Ports (CGD 82-004a)	2115-AC86
1696	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065)	2115-AC88
1697	Anchorage Regulations (86-079)	2115-AC96
1698	Aids to Navigation System, Removal of References (88-018)	2115-AC97
1699	Documentation of Vessels - Codification of Law (88-030)	2115-AC98
1700	Documentation of Vessels - Controlling Interest (88-031)	2115-AC99
1701	Civil Appeals Procedures (88-033)	2115-AD00

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1702	+ Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
1703	+ Mandatory Alcohol and Drug Testing Following Serious Marine Incidents Involving Commercial Vessels (CGD 86-080)	2115-AC62
1704	+ Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1705	Vital System Automation (CGD 81-030)	2115-AA59
1706	Handheld Flashlights (82-042)	2115-AA91
1707	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1708	Hazardous Materials Used as Ship's Stores Onboard Vessels (84-044)	2115-AB65
1709	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1710	Self-Inspection of Fixed OCS Facilities (CGD 84-098(a))	2115-AC40
1711	Emergency Position Indicating Radio Beacons for Uninspected Fishing, Fish Processing, and Fish Tending Vessels (87-016)	2115-AC69
1712	Delegation of Authority to Measure Vessels (87-015a)	2115-AC70
1713	Assistance Towing Licenses (CGD 87-017)	2115-AC82
1714	Anchor Requirements for Certain Vessels (87-013)	2115-AC90
1715	Posting Requirement for Placard of Lifesaving Signals and Breeches Buoy Instructions, Form CG-811 (CGD 87-031a)	2115-AC91
1716	Control of Residues and Mixtures Containing Oil or Noxious Liquid Substances (CGD 85-010)	2115-AC92

+ Designates significant regulation.

DOT

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1717	+ Flight Attendant Flight-Time Limitations and Rest Requirements	2120-AB97
1718	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1719	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1720	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28
1721	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1722	Instrument Flight Rule Requirements	2120-AA82
1723	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1724	Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction	2120-AB05
1725	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1726	Temporary Flight Restrictions	2120-AC40

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1727	+ Review of Parts 61, 141, 143 - Pilot, Pilot School, and Ground Instructor Rules	2120-AB12
1728	+ Review and Revision of Repair Station Requirements	2120-AC38
1729	+ Metropolitan Washington Airports Policy	2120-AA89
1730	+ Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1731	+ Airplane Cabin-Fire Protection	2120-AB22
1732	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1733	+ Transponder Requirements in Coastal Air Defense Identification Zones (ADIZ)	2120-AB99
1734	+ Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20
1735	+ SST Stage 3 Compliance	2120-AC22
1736	+ Flight Attendant Requirements During Deplaning and Boarding	2120-AC32
1737	+ Part 129 Security Program for Foreign Air Carriers	2120-AC42
1738	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
1739	+ Improved Access to Type III and Type IV Emergency Exits	2120-AC46
1740	+ Pilots Convicted of Driving While Intoxicated (DWI)/Under Influence (DUI)	2120-AC51
1741	+ Flight Plan Filing Requirements; National Airspace Review Recommendation	2120-AC56
1742	+ Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
1743	+ Exit Row Seating	2120-AC75
1744	+ Parts 121 and 135 - Training, Checking, Certification, and Qualifications Requirements	2120-AC79
1745	+ Advanced Flight Crewmember Training	2120-AC80
1746	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
1747	Review of Medical Standards and Certification Procedures	2120-AA70
1748	Review Part 75 for Retention or Revocation	2120-AC55
1749	Part 91, Subpart B, Review for Simplification	2120-AA07
1750	Part 77 Review, Objects Affecting Navigable Airspace	2120-AA09
1751	Fuel System Fire Protection	2120-AA49
1752	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1753	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1754	Transport Category Rotorcraft Performance	2120-AB36
1755	Miscellaneous Operational Amendments	2120-AB45
1756	Primary Category Aircraft	2120-AB53
1757	Part 157 Review	2120-AB74
1758	Part 101 Review Program	2120-AB75
1759	Engine Fuel and Induction Systems	2120-AB76
1760	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
1761	New Rotorcraft Emergency Power Ratings	2120-AB90
1762	Turbine Burst Protection for Transport Category Helicopters	2120-AB91
1763	Antiblocking Device	2120-AB92
1764	Airspace Reclassification	2120-AB95
1765	Type Certification Basis for Product Type Design Change	2120-AC05
1766	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1767	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14
1768	Part 23 Airworthiness Review, Notice No. 2	2120-AC15

DOT

Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1769	Rotorcraft Certification Requirements; Coordination with European Airworthiness Authorities Steering Committee (AASC)	
1770	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC27
1771	Global Positioning System Use in Terminal Control Areas	2120-AC45
1772	Non-Federal Air Traffic Control Towers	2120-AC54
1773	Proposed Revision of Part 93, Subpart O(JAX)	2120-AC59
1774	Shoulder Harness for Each Seat in Part 27 and 29 Rotorcraft	2120-AC65
1775	Fuel System Crashworthiness	2120-AC67
1776	Indemnification of Publishers of Aeronautical Charts and Maps	2120-AC68
1777	Electrical and Electronic Systems Lightning Protection	2120-AC73
1778	Landing Gear Aural Warning	2120-AC81 2120-AC82

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1779	+ Low-Altitude Windshear Equipment Requirements for Takeoffs/Landings of Transport Category Airplanes	2120-AA01
1780	+ Control of Drug and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities	2120-AC33
1781	+ Installation of Traffic Control Avoidance System in Domestic Transport Category Airplanes	2120-AC34
1782	+ Revision of Foreign Repair Station Rules	2120-AC50
1783	+ Inoperative Instruments or Equipment	2120-AA19
1784	+ Certification of Recreational Pilots and Annual Flight Review	2120-AA54
1785	+ Transport Category Rotorcraft Structural Fatigue Evaluation	2120-AA84
1786	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1787	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1788	+ Elimination of Airport Delays	2120-AB42
1789	+ Proposed Revision to Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AB47
1790	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1791	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1792	+ Flight Plan and Transponder-On Requirements in Air Defense Identification Zones (ADIZ)	2120-AC00
1793	+ Fire Protection Requirements for Cargo and Baggage Compartments - Parts 121 and 135	2120-AC04
1794	+ Location of Passenger Emergency Exits in Transport-Category Airplanes	2120-AC29
1795	+ Terminal Control Area Classification and Pilot/Equipment Requirements	2120-AC35
1796	+ Commuter Category Airplanes: Cockpit Voice Recorder (CVR) and Flight Data Recorder (FDR) Requirements	2120-AC48
1797	+ Design Standards for Fuel-Tank Access Panels	2120-AC58
1798	+ Access To Secured Areas on Airports	2120-AC69
1799	Revision of Part 91	2120-AA13
1800	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1801	Transport Category Airplane Airworthiness Standards	2120-AA47
1802	Miscellaneous Amendments	2120-AA50
1803	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1804	National Airspace Review (NAR): Terminal Airspace Task Group Recommendations	2120-AB02
1805	Nighttime VFR Weather Minimums	2120-AB04
1806	Airworthiness Standards: Aircraft Engines, Electrical and Electronic Engine Control Systems	2120-AB06
1807	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1808	Low-Fuel-Quantity Alerting System	2120-AB46
1809	Helicopter Instrument Flight	2120-AB87
1810	Controlled Air Space Designations in International Air Space	2120-AB93
1811	Improved Structural Requirements for Pressurized Cabins and Compartments in Transport Category Airplanes	2120-AC44
1812	Fuel Venting and Exhaust-Emission Requirements for Turbine-Engine Powered Airplanes	2120-AC62
1813	Realignment of Restricted Areas in the Eglin AFB Area	2120-AC63
1814	Rules of Practice: FAA Civil Penalty Assessment Actions	2120-AC74
1815	Commuter Category - Response to Final Rule Comments	2120-AC77
1816	Airport-Related Proceedings	2120-AC78
1817	Smoking Aboard Aircraft	2120-AC83
1818	Part 95 Instrument Flight Rules	2120-AA63
1819	Airworthiness Directives	2120-AA64
1820	Standard Instrument Approach Procedures	2120-AA65

DOT

Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1821	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1822	+ Improved Seat-Safety Standards	2120-AA88
1823	+ Powered Ultralights: Airman Certification Requirements	2120-AB69
1824	+ Ultralight Aircraft Registration and Marking	2120-AC09
1825	+ Improved Flammability Standards for Materials Used in the Interior of Transport Category Airplane Cabins	2120-AB23
1826	+ Part 23 Airworthiness Review -- Notice No. 1 (Crashworthiness)	2120-AC16
1827	+ Transponder with Automatic Altitude Reporting Capability Requirement	2120-AC66
1828	+ Special Flight Rules in the Vicinity of the Grand Canyon National Park	2120-AC70
1829	Rotorcraft Regulatory Review Program Amendment No. 3	2120-AA28
1830	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1831	Terminal Control Area (TCA) San Diego (Modification)	2120-AB98
1832	Part 150 - Airport Noise-Compatibility Planning	2120-AC19
1833	Part 99: Air Defense Identification Zones and Miscellaneous Editorial Revisions	2120-AC37
1834	Alternate Airport Weather Minimum	2120-AC41
1835	Mandatory Reporting for Emergency Evacuation Systems and Components	2120-AC49
1836	National Airspace Review Recommendation - Operations in the Vicinity of an Airport	2120-AC57

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1837	+ Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1838	Review and Preemption of State Motor-Carrier Safety Regulations	2125-AC11
1839	Federal Motor Carrier Safety Regulations; Paperwork Burdens	2125-AC04

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1840	+ Truck Size and Weight; Reasonable Access	2125-AB70
1841	+ Truck Size and Weight; Special Permits	2125-AB80
1842	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1843	+ Private Carriage of Passengers	2125-AB62
1844	Review: General Materials Requirements	2125-AA19
1845	State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements	2125-AB08
1846	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)	2125-AB15
1847	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1848	Administration of Contracts	2125-AB30
1849	Labor and Employment	2125-AB37
1850	Right-of-Way	2125-AB58
1851	Property Management, Disposals and Airspace	2125-AB60
1852	National Standards For Traffic Control Devices; Revision of Uniform Traffic Control Devices; Passing and No-Passing Zone Standards	2125-AB84
1853	Qualification of Drivers; Diabetes	2125-AB91
1854	Advance Construction of Federal-Aid Projects	2125-AC07

DOT

Federal Highway Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1855	Construction Engineering Costs	2125-AC09
1856	Acquisition of Real Property for Rights-of-Way	2125-AC17
1857	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1858	+ Controlled Substances	2125-AA79
1859	+ Inspection, Repair, and Maintenance	2125-AB34
1860	+ Parts and Accessories Necessary for Safe Operation; General	2125-AB45
1861	+ Safety Fitness Procedures	2125-AB46
1862	+ Truck Size and Weight; Specialized Equipment; Maxi-Cube	2125-AB48
1863	+ Employee Safety and Health Standards	2125-AB50
1864	+ Driving a Motor Vehicle	2125-AB51
1865	+ Truck Size and Weight; Specialized Equipment; Boat Transporters	2125-AB55
1866	+ Qualification of Drivers; Hazardous Materials Drivers	2125-AB64
1867	+ Commercial Driver Test and Licensing Standards	2125-AB68
1868	+ Blood Alcohol Concentration Standard for Commercial Vehicle Operators	2125-AB79
1869	+ Uniform Relocation Act Amendments of 1987; General	2125-AB85
1870	+ Driver's Record of Duty Status; Onboard Recording Devices	2125-AB95
1871	+ Certification of Speed Limit Enforcement	2125-AC00
1872	Contract Procedures	2125-AA18
1873	Compliance with Motor Carrier Noise Standards	2125-AA27
1874	Railroad Grade Crossings	2125-AA36
1875	Acceleration of Projects	2125-AA87
1876	Pavement Policy for Highways	2125-AA88
1877	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1878	Structural Supports for Highway Signs, Luminaires and Traffic Signals	2125-AB56
1879	Construction and Maintenance; Contract Procedures; Standardized Contract Clauses	2125-AB87
1880	Truck Size and Weight; National Network; Iowa and South Carolina	2125-AC10
1881	Contract Procedures; Advertising for Bids; Noncollusion Affidavit/Declaration Requirement	2125-AC16
1882	Environmental Impact and Related Procedures; Constructive Use	2125-AC18

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1883	+ Federal Motor Carrier Safety Regulations: General	2125-AA34
1884	+ Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1885	+ Truck Size and Weight; Tandem Truck Safety Act	2125-AB28
1886	+ Semitrailer-Semitrailer; B-Train	2125-AB66
1887	Railroad-Highway Projects	2125-AB25
1888	Manual on Uniform Traffic Control Devices; Restructure	2125-AB57
1889	Reimbursement for Railroad Work	2125-AB59
1890	National Bridge Inspection Standards	2125-AB71
1891	Cargo Preference	2125-AB73
1892	Minimum Levels of Financial Responsibility for Motor Carriers; Environmental Restoration	2125-AB77
1893	National Standards For Traffic Control Devices; Revision of Part VI of the Manual On Uniform Traffic Control Devices	2125-AB83
1894	State Education and Training Program	2125-AB92
1895	Truck Size and Weight; Exception to Bridge Formula	2125-AC03
1896	State Fiscal Procedures and Reports; Rescission of Regulation	2125-AC08
1897	Utility Relocations, Adjustments, and Reimbursements	2125-AC12
1898	Truck Size and Weight; National Network; New York	2125-AC13

DOT

Federal Highway Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1899	Design Standards for Highways; Technical Amendment	2125-AC14
1900	Commercial Motor Carrier Safety Assistance Program; Technical Amendments	2125-AC15

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1901	+ Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
1902	+ Uniform Tire-Quality Grading	2127-AA52
1903	+ Side-Impact Protection -- Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AC43
1904	+ Rollover	2127-AC64
1905	Review: Schoolbus Seating Systems	2127-AA65
1906	Review: Seating Systems	2127-AA69
1907	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1908	Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1909	Review: Roof Crush Resistance	2127-AC20
1910	Air-Brake Systems	2127-AA27
1911	Flammability of School Bus Interior Materials	2127-AA44
1912	Occupant Protection In Interior Impact	2127-AB16
1913	Federal Motor Vehicle Safety Standard No. 301 - Fuel-System Integrity	2127-AB43
1914	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12
1915	Mandatory Use of the Part 572(E) Dummy in FMVSS 208 Compliance Testing	2127-AC13
1916	Federal Motor Vehicle Safety Standard -- Rear-View Mirrors - Sure-View Petition	2127-AC46
1917	Federal Motor Vehicle Safety Standard No. 208 - Occupant Crash Protection	2127-AC57
1918	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AC58
1919	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment - Proposed Amendment to Permit the 9007 Bulb for Headlamps	2127-AC59
1920	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC61
1921	Brake Lining	2127-AC66
1922	Battery Explosions	2127-AC67

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1923	+ Commercial Vehicle Conspicuity	2127-AA12
1924	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
1925	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1926	+ Side-Impact Protection: Thorax Protection	2127-AB86
1927	+ Post 1991 Light Truck Fuel Economy Standards	2127-AC51
1928	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1929	+ Vehicle Classification	2127-AA57
1930	+ Voluntary Tire Registration	2127-AB18
1931	+ Heavy Trailer Stability	2127-AB42
1932	+ Occupant Crash Protection	2127-AB91
1933	+ Head Restraints	2127-AC06
1934	+ Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection - Chest Injury Criteria	2127-AC34
1935	Procedures for Considering Environmental Impacts	2127-AB79
1936	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
1937	Anthropomorphic Test Dummies Representing Children	2127-AB94
1938	Anthropomorphic Test Dummies Representing Children	2127-AC09
1939	Anthropomorphic Test Dummies Representing Children	2127-AC10
1940	Federal Motor Vehicle Safety Standard No. 205, Glazing Materials	2127-AC14
1941	Non-Pneumatic Tires for Passenger Cars	2127-AC18
1942	Federal Motor-Vehicle Safety Standard No. 221, Schoolbus Body Joint Strength	2127-AC19

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National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1943	Bumper Standard	2127-AC30
1944	Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection	2127-AC36
1945	Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials	2127-AC38
1946	Federal Motor Vehicle Safety Standard No. 105 - Hydraulic Brake Systems	2127-AC50
1947	Federal Motor Vehicle Safety Standard No. 118 - Power-Operated Window Systems	2127-AC52
1948	Federal Motor Vehicle Safety Standard No. 106 - Brake Hoses	2127-AC55
1949	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment - Proposed Amendment to Permit a New Small Sealed Beam Headlamp	2127-AC60
1950	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AC62
1951	Federal Motor Vehicle Safety Standard No. 108 - Lamps, Reflective Devices, and Associated Equipment	2127-AC68
1952	Comprehensive Review of Visibility Topics	2127-AC69
1953	Consumer Information Regulations	2127-AC72

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1954	+ Crashworthiness Ratings	2127-AA03
1955	+ Truck Rear Underride Protection	2127-AA43
1956	+ Pedestrian Protection	2127-AA45
1957	+ Post-1988 Passenger-Car Fuel-Economy Standards	2127-AB75
1958	+ Lighting Simplification--Potential Amendments to Simplify FMVSS 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1959	+ Federal Motor Vehicle Safety Standard No. 108 - Lighting Simplification - Potential Amendments - New Term Issues	2127-AC53
1960	+ Federal Motor Vehicle Safety Standard No. 222; Schoolbus Seating and Crash Protection	2127-AB84
1961	+ Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC22
1962	+ Passenger-Car Brake Systems	2127-AC63
1963	Passenger-Car Brake Systems	2127-AA13
1964	Rearview Mirror Systems: Heavy Vehicles	2127-AA21
1965	Rearview Mirror Systems: Light Vehicles	2127-AA23
1966	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1967	Rearview Mirrors	2127-AA88
1968	Seat-Belt-Assembly Anchorages	2127-AA95
1969	Air-Brake Systems	2127-AB12
1970	Gear Lock; Theft Protection	2127-AC24
1971	Bumper Standard	2127-AC29
1972	FMVSS No. 208 Occupant Crash Protection	2127-AC49
1973	Federal Motor Vehicle Safety Standard No. 102 - Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking	2127-AC54
1974	Federal Motor Vehicle Safety Standard No. 107 - Reflecting Surfaces - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses	2127-AC56
1975	Federal Motor Vehicle Safety Standard No. 115 - Vehicle Identification Number and Part 567 - Certification Regulation	2127-AC65

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1976	+ Splash and Spray Suppression Devices	2127-AA97
1977	+ Daytime Running Lights	2127-AB92
1978	+ Passenger Automobile Average Fuel Economy Standard	2127-AC33
1979	+ Odometer Disclosure Requirements	2127-AC42
1980	Consumer Information - Wet Stopping Distance	2127-AA56
1981	National Minimum Drinking Age	2127-AB30

DOT

National Highway Traffic Safety Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1982	Occupant Crash Protection	2127-AB71
1983	Child Restraint Systems -- Built-In Child Restraints	2127-AB97
1984	Glazing Materials	2127-AB98
1985	Occupant Crash Protection: Dynamic-Testing Petition	2127-AC00
1986	New Pneumatic Tires for Passenger Cars	2127-AC16
1987	Power-Operated Window Systems	2127-AC25
1988	Motor-Vehicle Brake Fluids	2127-AC26
1989	Consumer Information - Uniform Tire-Quality Grading Standards	2127-AC31
1990	Insurer Reporting Requirements	2127-AC32
1991	Federal Motor Vehicle Safety Standard No. 108 -- Lamps, Reflective Devices, and Associated Equipment -- Chemical Resistance Test	2127-AC45
1992	Federal Motor Vehicle Safety Standard (FMVSS) No. 121 -- Air-Brake Systems	2127-AC48
1993	Incentive Grant Criteria for Alcohol Traffic Safety Programs	2127-AC70
1994	Incentive Grant Criteria for Alcohol Traffic Safety Programs	2127-AC71
1995	Federal Motor Vehicle Traffic Safety Standard (FMVSS) No. 121; Air-Brake Systems	2127-AC73

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1996	+ Review of Radio Communication	2130-AA34
1997	+ Grade-Crossing Signals: Inspection and Maintenance Standards	2130-AA45
1998	+ Railroad Operating Practices; Procedures for Bridge-Worker Safety	2130-AA48
1999	+ Train Operation Event Recorders	2130-AA53
2000	Review: Regulatory Flexibility Act Reviews	2130-AA10
2001	Review of Locomotive Cab Safety	2130-AA32
2002	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
2003	Rail-Highway Grade-Crossing Safety	2130-AA27
2004	Interior Noise Standards for On-Track Sleeping Quarters	2130-AA52

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2005	+ Railroad Accident/Incident Reports Classification and Investigations Permitting Employee Supplements	2130-AA44
2006	+ Railroad Operating Practices -- Protection of On-Track Sleeping Quarters	2130-AA46
2007	+ Safety Enforcement Procedures; Disqualification of Employees	2130-AA49
2008	+ Jurisdictional Conformity Amendments	2130-AA50
2009	+ Locomotive Operator; Qualification Standards	2130-AA51

+ Designates significant regulation.

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2010	+ Informal Safety Inquiry and Rulemaking; Control of Alcohol and Drug Use in Railroad Operations	2130-AA43
2011	+ Amendments to Railroad Safety Regulations to Increase the Maximum Civil Penalties and to Make Civil Penalties Available Against Individuals	2130-AA47
2012	+ Certification of Predeparture Inspections of Signal Devices Mounted on Locomotives	2130-AA54
2013	+ Prohibiting Tampering with Safety Devices Mounted on Locomotives	2130-AA55

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Federal Railroad Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2014	Safety Standards for Cabooses	2130-AA01
2015	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
2016	Rules of Practice	2130-AA07

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2017	+ Major Capital Investment Projects	2132-AA22
2018	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
2019	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
2020	School Bus Operations	2132-AA09
2021	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
2022	Rolling Stock Purchase Audits	2132-AA29
2023	Bus Testing Guidelines	2132-AA30

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2024	+ Control of Drug Use in Federally Funded Mass Transportation Operations	2132-AA33
2025	+ Charter Service Amendment	2132-AA32
2026	Capital Leases	2132-AA28
2027	Project Management Oversight	2132-AA31

+ Designates significant regulation.

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2028	Innovative Techniques and Methods	2132-AA05
2029	Technology Introduction	2132-AA07

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2030	+ Registration of Shippers and Carriers of Hazardous Materials	2137-AB43
2031	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16

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Research and Special Programs Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2032	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2137-AB42
2033	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
2034	Revision of Operating Procedures for Motor Vehicles	2137-AA07
2035	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
2036	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
2037	DOT Specification 51 Portable Tanks	2137-AA36
2038	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2039	Airline Revenue/Nonrevenue, First Class/Coach Passengers: Revised Definitions	2137-AB00
2040	Subsidized Commuter Carriers and Foreign Air Carriers: Records and Retention Periods	2137-AB04

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2041	+ Training for Hazardous Materials Transportation	2137-AB26
2042	+ Recodification of Explosive Regulations	2137-AA93
2043	+ Gas Gathering Line Definition	2137-AB15
2044	+ Proposals for Pipeline Safety	2137-AB27
2045	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2046	+ Pipeline Operator Qualifications	2137-AB38
2047	+ Operation and Maintenance Procedures for Gas Pipelines	2137-AB44
2048	+ Pressure Testing Existing Hazardous Liquid Pipelines	2137-AB46
2049	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies	2137-AB48
2050	Definition of a Flammable Solid	2137-AA05
2051	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
2052	Quality Assurance for Radioactive Materials Shippers	2137-AA30
2053	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
2054	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34	2137-AA92
2055	Deletion of Standards Affecting Iron and Copper Pipe and Other Materials	2137-AB24
2056	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2057	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks	2137-AB40
2058	Fumigation	2137-AB41
2059	Conforming Gas and Liquid Pipeline Welding Standards: Final Phase	2137-AB45
2060	Gas Detection and Monitoring in Compressor Station Buildings	2137-AB49
2061	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2062	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2063	Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher than Permitted for New Pipelines	2137-AB53
2064	Revision of Operating Requirements for Rail Carriage	2137-AB55
2065	Etiologic Agents; Proposal to Remove the 50 Milliliter Exception	2137-AB56

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2066	+ Performance-Oriented Packaging Standards	2137-AA01
2067	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
2068	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
2069	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
2070	+ Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous-Liquid Pipeline Operations	2137-AB54
2071	+ Requirements for Cargo Tanks	2137-AA42
2072	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
2073	+ Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
2074	+ Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program	2137-AB47
2075	Use of Interested Inspectors for Cylinder Inspections	2137-AA08

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Research and Special Programs Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2076	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
2077	Odorization of LP Gas	2137-AA25
2078	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2079	Limitation Aboard Aircraft	2137-AA85
2080	Emergency Response Communication Standards	2137-AA88
2081	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2082	Exception from Pressure Testing Non-Welded Tie-In Joints	2137-AB19
2083	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2084	Rear Bumpers on Cargo Tank Trucks	2137-AB34
2085	Standards for Construction of Fireworks and Novelties; Approval for Transportation	2137-AB36
2086	Shippers: Use of Tank-Car Tanks with Localized Thin Spots	2137-AB39

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2087	+ Confidentiality of Parts 241 and 298 Airline Reports	2137-AB05
2088	+ Reporting Unsafe Conditions on Gas and Hazardous Liquid Pipelines and at Liquefied Natural Gas Facilities	2137-AB23
2089	Molten Sulfur	2137-AB31
2090	State Designations of Alternative Routes for Radioactive Materials Transportation	2137-AB32
2091	Notification to RSPA of Route Plans for Radioactive Materials Transportation	2137-AB33

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2092	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2093	+ Procedures Governing the Evaluation of Bids for the Carriage of Preferred Cargoes on Subsidized Vessels	2133-AA77
2094	Regulations and Minimum Standards for State, Territorial, or Regional Maritime Academies and Colleges	2133-AA57
2095	Approval of Vessel Charters to Noncitizens	2133-AA73

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2096	+ Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services; Exclusion of Commercial Cargoes Reserved for U.S.-Flag Carriers	2133-AA66
2097	+ Cargo Preference -- Implementation of P.L. 99-198	2133-AA55
2098	Procedures For Hearings on ODS Applications For Additional Service	2133-AA20
2099	Requirements for Conducting Vessel Subsidy Condition Surveys and for Accomplishing Subsidized Vessel Maintenance and Repairs	2133-AA64
2100	Capital Construction Fund -- Federal Tax Amendments	2133-AA65
2101	Cargo Preference -- U.S.-Flag Vessels; Department of Defense Sponsored and Generated Oceanborne Cargoes	2133-AA69

+ Designates significant regulation.

DOT

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2102	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2103	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2104	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51
2105	General Procedures for Determining Operating Differential Subsidy for Liner Vessels	2133-AA67
2106	Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Service	2133-AA68

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2107	+ Approval of Marine Hull Underwriters	2133-AA50
2108	+ Cargo Preference, U.S.-Flag Vessels: Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2109	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Office of the Secretary (OST)

1552. + REVIEW OF DEPARTMENT-WIDE DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department will review existing regulations to determine whether changes are necessary for each of the Modal Administrations' drug regulations. The Department seeks to address the use of drugs through its regulatory authority. The review will encompass each Model Administration's program. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation

Agency Contact: Samuel E. Whitehorn, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, Regulations and Enforcement, 400 7th St., SW, Washington, DC 20590, 202 366-9307

RIN: 2105–AB24

1553. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: None

Legal Deadline: None

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA98

1554. + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This petition, filed by Mr. Theodore Harris, addresses the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner

asks that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 44304)	08/27/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB26

1555. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location. Further action on the proposal will depend on final action in RIN 2105-AB38.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105–AA31

1556. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer-protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA67

1557. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA70

1558. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA73

1559. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None

DOT—OST **Prerule Stage**

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. Standardization of the regulatory tariff-filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AA99

1560. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G; ...

Legal Deadline: None

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Nonregulatory approaches, including the supplying of information by the Government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: William C. Boyd, Senior Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10222, Washington, DC 20590, 202 366-4870

RIN: 2105–AB03

1561. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB25

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST) **Proposed Rule Stage**

1562. + COMMERCIAL SPACE TRANSPORTATION: LIABILITY REQUIREMENTS FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Regulatory Program

Legal Authority: PL 98-575, Sec 15(c) to 16 Commercial Space Launch Act

CFR Citation: None

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by OCST are required to have in effect at least that amount of third-party liability insurance prescribed by DOT for the licensed activity. In addition, launch firms must secure an amount of insurance, or offer other assurance, that will be adequate to protect the Government when its property or personnel are directly involved in the conduct of commercial launch activities. Rulemaking sets out the criteria OCST will consider in setting the appropriate amount of third-party liability and other insurance firms subject to its authority must carry.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA26

1563. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently to issue an NPRM that would propose further changes in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim amdt. to final rule, pending revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	10/03/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81 (46 FR 23457)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA04

1564. ● + STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 49 USC 1373; 49 USC 1482; 49 USC 1324(a)

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international airline prices by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to the Department's enforcement policy. The proposal responds to an informal request for such action by the American Society of Travel Agents.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Podberesky, Assistant General Counsel for Aviation Enforcement and Proceedings, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9342

RIN: 2105–AB39

1565. ● + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c); 48 CFR 1.301; 48 CFR 1.59

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT is proposing to require its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing sensitive safety or security functions under DOT contracts. This rulemaking is significant because of substantial public interest and departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for, Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., S.W., Room 10424, Washington, D.C. 20590, 202 366-9306

RIN: 2105–AB40

1566. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION – STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full

DOT—OST **Proposed Rule Stage**

coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105–AA06

1567. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset." A CAB NPRM that was being developed on this subject will be subsumed in this project. A draft NPRM is now being reviewed by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA29

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST) **Final Rule Stage**

1568. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Regulatory Program

Legal Authority: 29 USC 794; Section 404(a) of the Federal Aviation Act of 1958, as amended

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: NPRM, Statutory, January 30, 1987.

Abstract: The Civil Aeronautics Board (CAB) had a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received in response to its August 1986 information notice on issues affecting blind passengers as part of the record for this rulemaking. The Department convened an advisory committee to pursue the rulemaking through a negotiated process. The negotiations have concluded and an NPRM has been published.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23574
NPRM Comment Period End	09/20/88	
Final Action	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/22/88 (53 FR 23574)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA18

1569. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: This project is examining whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the Government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. In order to assure that users' needs are taken into consideration and that the private sector is involved to the maximum extent in the design, implementation, and operation of such a system, the Department established an Advisory Committee to make continuing recommendations on technical, operational, and policy objectives of the electronic tariff system.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	

Action	Date	FR Cite
Federal Register Notice establishing Advisory Committee	11/24/86	51 FR 42327
NPRM	07/08/88	53 FR 25615
NPRM Comment Period End	09/06/88	
Interim Final Rule	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/08/88 (53 FR 25615)

Additional Information: As a consequence of discussions with the Committee the Department is planning to experiment with existing data base and electronic mail systems, to determine whether any such systems can fulfill Departmental requirements for an electronic tariff system.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AB00

1570. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
SNPRM	04/12/83	48 FR 15639
Comment Period End	06/13/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/82 (47 FR 7443)

Additional Information: Docket 40336. Original NPRM was EDR-439/SPDR 86; SNPRM of 04/12/83 was EDR-456/SPDR-88.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA41

1571. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None

Abstract: This rule would inform passengers of their right to a seat in a nonsmoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR-449, Docket 41009.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA72

1572. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be revised. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	
Final Action	01/15/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9307

RIN: 2105–AB22

1573. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None

DOT—OST **Final Rule Stage**

Abstract: This notice asks comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requests information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Comments have been received and are being reviewed. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice, including various regulatory steps and taking no further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AB23

1574. ● + POSTING OF TARIFFS – NOTICE OF CONTRACT OF CARRIAGE

Significance: Agency Priority

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: DOT is proposing to allow carriers an alternative to the current requirement that they post their entire tariffs for passenger and cargo foreign air transportation in printed hard copy at each ticket sales location. Carriers would be able to provide more useful information to consumers using summaries, computer terminals, and printed copies of tariff information. This proposal would permit international carriers the option of making their tariff information available to consumers in a manner similar to that currently used to provide notice of incorporated contract terms to airline passengers traveling in domestic air transportation. Specifically, it would permit the airlines to satisfy the posting requirements quickly and economically by largely eliminating the costly and onerous medium of paper at their sales locations. The airlines would be able to furnish information on fares, rates and rules subject to frequent change through the use of electronic transmissions to display terminals at their sales locations. This process would also allow airlines to provide consumers with printed copies of this information upon request. Only those rules subject to infrequent

Timetable:

Action	Date	FR Cite
NPRM	07/20/88	53 FR 27351
NPRM Comment Period End	09/19/88	
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/20/88 (53 FR 27351)

Additional Information: ABSTRACT CONT: changes would likely be maintained in printed form. This proposed alternative would in no way diminish the filed tariff as the prevailing contract of carriage.

Agency Contact: Thomas G. Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AB38

1575. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5588)

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105–AA02

1576. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
To be withdrawn	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/17/79 (44 FR 28928)

DOT—OST

Final Rule Stage

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA03

1577. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Bennett, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9669**

RIN: 2105–AA08

1578. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5992**

RIN: 2105–AA09

1579. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 00/00/00

Additional Information: EDR 448, Docket 41034. Formerly entitled: Tariffs; Removal of Requirements for Statements of Fares or Rates Based upon Units of Distance or Time.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105–AA39

1580. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR 405, Docket 37169.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA40

1581. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

DOT—OST **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM Comment Period End	10/22/79	44 FR 52246
Comment Period End 02/17/81	12/19/80	45 FR 83510
SNPRM	12/19/80	45 FR 83510
Final Action	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/15/88

Additional Information: Original NPRM of 09/07/79 was EDR-387/PDR 68, Docket 46497; the SNPRM of 12/19/80 was EDR-387C/PDR-68C.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105–AA44

1582. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA45

1583. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105–AA46

1584. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM	02/04/80	45 FR 7566
NPRM Comment Period End	03/12/80	45 FR 7566
SNPRM	10/27/81	46 FR 52585
SNPRM	03/10/83	48 FR 10073

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 37531. Original NPRM (02/04/80) was EDR-395; the first SNPRM (10/27/81) was EDR-395B. The second SNPRM (03/10/83) was EDR-395C, and its comment period ended 05/17/83.

Agency Contact: John Hokanson, Chief, Regulatory Analysis Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1035

RIN: 2105–AA47

1585. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. Further review has determined the contemplated change is unwarranted.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 24923
NPRM Comment Period End	08/02/83	
To be withdrawn	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SPDR-89 and SPDR-89A, Docket 41498.

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6412, Washington, DC 20590, 202 366-2388

RIN: 2105–AA68

1586. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/88

Additional Information: Docket 41855; PDR 87.

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9154

RIN: 2105–AA77

1587. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA78

1588. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA82

1589. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and

perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Timothy Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA84

1590. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA88

1591. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None

Abstract: The Department is reviewing current aviation-merger procedural regulations to reduce regulatory obstacles to air carrier acquisitions of other air carriers.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17490
NPRM Comment Period End	06/12/86	
Final Action	03/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Horn, Deputy Assistant General Counsel, for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2972**

RIN: 2105–AB20

1592. COUNTING UMTA REDUCED-FARE PROGRAM COSTS TOWARD 504 COST CAP

Significance: Nonsignificant

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: The Department is considering whether or not to eliminate a provision in its rule concerning mass transit services for disabled persons, which permits incremental expenditures by recipients for the off-peak, reduced-fare program for elderly and handicapped passengers on mainline mass transit services to be counted in the calculation of the three-percent limit on required expenditures. The Department has proposed withdrawing this provision.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23778
NPRM Comment Period End	08/23/88	
Final Action	10/03/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: Robert Ashby, Deputy Ass't General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AB29

1593. COLLECTION OF CLAIMS OWED THE UNITED STATES

Significance: Nonsignificant

Legal Authority: 31 USC 3701 to 3720A

CFR Citation: 49 CFR 89

Legal Deadline: None

Abstract: This proposed rule would implement the Debt Collection Act of 1982. The rule would provide DOT with formal procedures for the collection of claims owed the United States arising from activities under the jurisdiction of the Department.

DOT—OST

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4180
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/12/88 (53 FR 4180)

Agency Contact: Paul B. Larsen C-10, Attorney Adviser, Department of Transportation, Office of the Secretary, DOT/Office of the General Counsel, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9167

RIN: 2105–AB33

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Completed Actions

1594. + PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Legal Deadline: Final, Statutory, April 27, 1987.
The Freedom of Information Act of 1986, Pub. L. 99-570, Title I, Subtitle Q, requires agencies to promulgate regulations implementing the Act's new fee schedule, and establish guidelines

Abstract: This final rule revises DOT's Freedom of Information Act regulations. Specific areas addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It also addressed records relating to those functions of the Civil Aeronautics Board that were transferred to DOT. This rulemaking was significant because of substantial public interest. It was needed to comply with recent statutory changes, including OMB and Department of Justice guidance, and periodic revisions to keep current with policy changes.

Timetable:

Action	Date	FR Cite
NPRM	10/17/85	50 FR 42049
NPRM Comment Period End	12/16/85	
SNPRM/Interim Final Rule	01/16/87	52 FR 1992
Comment Period End	02/17/87	
SNPRM Request for comments	11/06/87	52 FR 42688
Final Action	08/11/88	53 FR 30265

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/17/85 (50 FR 42049)

Additional Information: Further, the timeframe for a supplemental NPRM addressing PUB. L. 99-570 (fee schedule, fee waiver and law enforcement provisions) is in accordance with statutory requirements and cognizant of the recently published OMB guidelines (52 FR 10012).

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4542

RIN: 2105–AA05

1595. ● + DENIAL OF PUBLIC WORKS CONTRACTS TO SUPPLIERS OF GOODS AND SERVICES OF COUNTRIES THAT DENY PROCUREMENT MARKET ACCESS TO U.S. CONTRACTORS

Significance: Agency Priority

Legal Authority: PL 100-202, Sec 109(a); PL 100-223, Sec 115

CFR Citation: 49 CFR 30

Legal Deadline: None

Abstract: This rule implements statutory provisions prohibiting the expenditure of Federal funds (either in direct DOT contracting or under grants) to firms from countries that the U.S. Trade Representative (USTR) has placed on a list of countries that deny procurement market access to U.S. firms. Japan is the only country on the USTR list at this time. This rule is a significant one under the Department's Regulatory Policies and Procedures.

Timetable:

Action	Date	FR Cite
Final Action	06/01/88	53 FR 19914

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 06/01/88 (53 FR 19914)

Additional Information: The comment period on the final rule ended July 18, 1988.

Agency Contact: Roberta Gabel, Deputy Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, Rm. 10102, Washington, DC 20590, 202 366-9161

RIN: 2105–AB41

1596. UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS – PROPOSED RULES

Significance: Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Legal Deadline: None

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required, and make other changes necessary to implement FAR changes through Federal Acquisition Circular #29.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/19/87	52 FR 44522
Comment Period End 01/19/88	11/19/87	52 FR 44522

Action	Date	FR Cite
Final Action	07/28/88	53 FR 28396
Correction to Final Action	08/17/88	53 FR 31006
Final Action Effective	08/29/88	
Correction to Final Action	09/06/88	53 FR 34301

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105–AB15

1597. WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD – PROPOSED RULE

Significance: Nonsignificant

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Legal Deadline: None

Abstract: Final rule established the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions. It also provides additional guidance for use of warranties in all other Department contracts.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3222
NPRM Comment Period End	03/21/88	53 FR 3222
Final Action	08/10/88	53 FR 30176
Final Action Effective	09/09/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/04/88 (52 FR 3222)

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105–AB16

1598. NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1381; 49 USC 204(a); 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 215, (Revision)

Legal Deadline: None

Abstract: The Department has made final its proposal to reissue its rules for the use and change of names by airlines. The final rule replaces detailed requirements with a simple name-registration provision. Airlines are required under this rule to notify other airlines with similar names. The rule encourages carriers to resolve potential problems in the use of similar names among themselves, without unnecessary Government intervention. The rule will now apply to commuter air carriers. The Department retains its authority to take enforcement action, when necessary, against unfair and deceptive practices in the use of names.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 5547
NPRM Comment Period End	04/27/87	52 FR 5547
Final Action	05/19/88	53 FR 17921
Final Action Effective	06/20/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/19/88 (53 FR 17921)

Agency Contact: Patricia Szrom, Chief, Air Carrier Fitness Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9721

RIN: 2105–AB18

1599. ● AIRLINE SERVICE QUALITY PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1389; 49 USC 1502; 5 USC 553(e)

CFR Citation: 14 CFR 234; 14 CFR 255

Legal Deadline: None

Abstract: This rule amends the Department's airline service quality performance rule, issued Sept. 9, 1987 (52 FR 34056) to allow computerized reservations system (CRS) vendors 10 days, instead of 5 days, to include in their CRS displays the flight delay and cancellation information submitted by participating carriers. It responds to a request from the Air Transport Association (ATA) for more flexibility to accommodate the carrier computer loading schedules that are set up a year in advance. The rule also requires the participating carriers to assign a letter code to flights scheduled to operate three times or less during a month in their reports to CRS vendors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/87	52 FR 48395
Final Action	07/22/88	53 FR 27676

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/27/87 (52 FR 48395)

Additional Information: Additional contact: Samuel Whitehorn - same address - 202 366-9307

Agency Contact: Gwyneth Radloff, Attorney, Department of Transportation, Office of the Secretary, Department of Transportation, Office of the General Counsel, C-50, 400 7th Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AB28

1600. DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Significance: Nonsignificant

Legal Authority: 49 USC 322; EO 12549

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: EO 12549 provides that agencies shall participate in a system for debarment and suspension from programs and activities involving Federal financial aid and benefits. The Order directs agencies to issue implementing regulations that are consistent with OMB guidelines. This rulemaking established DOT's requirements and procedures for suspension and debarment in financial-assistance programs, consistent with the Executive Order.

DOT—OST

Completed Actions

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/87	52 FR 39056
Final Action	05/26/88	53 FR 19203
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Preliminary Regulatory Evaluation 10/20/87 (52 FR 39056)

Additional Information: This final action was part of a 27-agency common rule published 05/26/88 (53 FR 19161-211). OMB adopted the final rule as its guidelines the same date (53 FR 19160). OMB issued a further notice providing additional information on 09/06/88 (53 FR 34474).

Agency Contact: Paul B. Larsen C-10, Attorney Adviser, Department of Transportation, Office of the Secretary, DOT/Office of the General Counsel, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9161

RIN: 2105–AB34

1601. ● DEPARTMENT OF TRANSPORTATION BOARD OF CONTRACT APPEALS RULES

Significance: Nonsignificant

Legal Authority: 41 USC 600 et seq

CFR Citation: 48 CFR Chapter 63

Legal Deadline: None

Abstract: This rule revises slightly the Department's Board of Contract Appeals Rules and transfers these from 41 CFR Parts 12-60 to 48 CFR Chapter 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/87	52 FR 48630
Final Action	09/02/88	53 FR 34104

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This interim final rule was originally included in the recent interim final rule which revised the Transportation Acquisition Regulation (TAR). Upon consideration, it has been determined that the Board of Contract Appeals Rule should be recodified as a separate chapter of 48 CFR, which this action is to accomplish.

Agency Contact: Charles Ventura, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, Washington, DC 20590, 202 366-4271

RIN: 2105–AB35

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

1602. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)

Significance: Agency Priority

Legal Authority: 46 USC 3301

CFR Citation: 46 CFR 174

Legal Deadline: None

Abstract: This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability. This rulemaking is significant because of international implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: Lt. R. Gilbert, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC87

1603. INLAND WATERWAY NAVIGATION REGULATIONS; ALL WATERS TRIBUTARY TO THE GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Contemplated action would revise and update the inland waterways navigation regulations for the Gulf Intercoastal Waterway from St. Marks, Fla. to the Rio Grande River.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mr. H. Robinson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0405

RIN: 2115–AC03

1604. SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: To Be Assigned, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC48

DOT—USCG

Prerule Stage

1605. HYDRAULIC RELEASE UNITS FOR LIFESAVING EQUIPMENT: SOLAS 74/83 (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC52

1606. REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS: SOLAS 74/83 (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC53

1607. RADAR REFLECTOR APPROVAL REQUIREMENTS: SOLAS 74/83 (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC54

1608. REVISION OF LIFEBUOY APPROVAL REQUIREMENTS: SOLAS 74/83 (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LTJG C. Deleo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC55

1609. PORT ACCESS ROUTES; APPROACH TO FREEPORT, TEXAS (CGD 87-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: A study of fairway anchorage sites and areas adjacent to the fairway in the approach to Freeport, Texas, has been announced and comments requested.

Timetable:

Action	Date	FR Cite
Fairway study completed	07/02/87	52 FR 25039

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, COMDT (G-NSS-2), 2100 2nd St., SW, Washington, DC 20593, 202 267-0415

RIN: 2115–AC78

1610. OIL DISCHARGE MONITORING AND CONTROL SYSTEM (CGD 87-057)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j); 33 USC 1903; 46 USC 391(a); 49 USC 1655(b)

CFR Citation: 46 CFR 162; 33 CFR 157

Legal Deadline: None

Abstract: This project would revise the existing equipment approval requirements for the oil discharge monitoring and control system to bring the U.S. requirements in line with the more stringent International Maritime Organization Resolution A.586(14) "Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers." This project does not create any new installation requirements for oil pollution prevention equipment on any class of vessels.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

DOT—USCG

Prerule Stage

Government Levels Affected: None

Agency Contact: To Be Assigned, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC85

1611. ● MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: Ms. D. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 29593-0001, 202 267-1217

RIN: 2115–AD02

1612. ● PRIVATE ELECTRONIC AIDS TO MARITIME NAVIGATION (88-011)

Significance: Nonsignificant

Legal Authority: 14 USC 85

CFR Citation: 33 CFR 66; 33 CFR 164

Legal Deadline: None

Abstract: This proposal would amend the regulations on private aids to navigation by removing a restriction on the Coast Guard permitting of certain private electronic aids to navigation. The rulemaking might also amend regulations pertaining to vessels required to carry an electronic position-fixing device.

Timetable:

Action	Date	FR Cite
ANPRM	07/22/88	53 FR 27708
ANPRM Comment Period End	12/02/88	
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/00/89

Agency Contact: LT G. Self, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0296

RIN: 2115–AD04

1613. ● REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS MATERIALS (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

Action	Date	FR Cite
ANPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/88

Agency Contact: Mr. K. Szigety, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD06

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Proposed Rule Stage

1614. + CALIFORNIA OFFSHORE ROUTING SYSTEM (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/00/88

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking will require coordination with the Minerals Management Service of the Department of the Interior.

Agency Contact: Mr. M. Hegy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AB29

DOT—USCG

Proposed Rule Stage

1615. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146

Legal Deadline: None

Abstract: Would modify 33 CFR Subchapter N by extending coverage of workplace safety rules and by modernizing material standards for fixed platforms.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/00/89

Additional Information: CGD 84-098(a) Self-inspection of Fixed OCS Facilities separated from CGD 84-098. CGD 84-098(b) Offshore Evacuation Procedures separated from CGD 84-098.

Agency Contact: Mr. J. Magill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB74

1616. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100

Legal Deadline: None

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to extent practicable. This rulemaking is significant because it is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AB73

1617. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comments suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions; it establishes licensing requirements for officers on Mobile Drilling Units. The Coast Guard is reviewing the comments received and considering what further action to take on the proposal.This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Second SNPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/16/87 (52 FR 38660)

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers, which is listed elsewhere in this agenda with the RIN 2115-AA64.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AB91

1618. + REGULATIONS FOR SELF-ELEVATING OFFSHORE SERVICE AND SUPPORT VESSELS (CGD 86-074)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 125 to 136; 46 CFR 170; 46 CFR 173; 46 CFR 174

Legal Deadline: None

Abstract: The Coast Guard is proposing regulations that will establish safety standards for self-elevating offshore service vessels commonly known as liftboats. The high rate of casualties which have been experienced by these vessels has emphasized the need for specific regulations addressing the hazards inherent in their operations. These vessels support the offshore mineral and energy industry by performing a multitude of services such as dive support, painting, sandblasting and well servicing, among others. In performing these services, these vessels fall within the statutory definition of Offshore Supply Vessels (OSV) and are therefore subject to inspection as OSVs. The Coast Guard will consider using existing standards wherever possible, particularly those that have and are being applied to conventional OSVs. However, because of the unique design and operating characteristics exhibited by these liftboats, many of the current regulations used to inspect and certificate conventional OSVs are inadequate to ensure the safe operation of these vessels. The Coast Guard believes that development and enforcement of standards specifically addressing these (CONT)

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	04/16/87	52 FR 12439
ANPRM Comment Period End	07/16/87	52 FR 12439
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/00/89

Additional Information: unique hull forms and operating characteristics will significantly improve their safety record. These rules are not expected to impose substantial costs on industry. On February 14, 1983, the Coast Guard published an ANPRM concerning new construction of Offshore Supply Vessels (OSVs)(48 FR 6636). The information in the ANPRM presents the Coast Guard's overall approach with respect to developing comprehensive standards for conventional offshore supply vessels as contrasted with liftboats and other nonconventional OSVs. On March 7, 1985, the Coast Guard published an ANPRM on Revision of the Regulations on Outer Continental Shelf Activities (50 FR 9290). That ANPRM (CGD 84-098) solicited specific comments regarding appropriate standards that should be applied to the various types of vessels used for OCS activities. Some comments were received that addressed liftboats. These comments will be considered with the comments received in response to this rulemaking effort.

Agency Contact: LCDR S. Ciccalone, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AC63

1619. + IMPOSITION OF USER FEES FOR CERTAIN COAST GUARD SERVICES; DOCUMENTATION AND LICENSING (CGD 87-020)

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 46 CFR 169; 46 CFR 175

Legal Deadline: None

Abstract: This proposal would enumerate selected Coast Guard services for which user fees would be charged, indicate how the charges are to be made, and how they are to be paid. User fees are being considered for the following services to small passenger vessels and sailing school vessels: initial inspection for certification, inspection for certification, reinspection, drydock examination, licensing/certification, and documentation. This project is considered significant because of substantial public interest in the topic of user fees.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/88	53 FR 23884
ANPRM Comment Period End	07/25/88	
NPRM	10/03/88	
Interim Final Rule	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/03/88

Agency Contact: LCDR J. Whitehead, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC89

1620. ● + PREVENTION OF POLLUTION BY PLASTICS, ANNEX V OF MARPOL(88-002)

Significance: Agency Priority

Legal Authority: PL 100-220

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None

Abstract: This proposal would implement Annex V of the International Convention for the Prevention of Pollution by Ships, 1973. The Act to Prevent Pollution from Ships, as amended by Title II of P. L. 100-220, requires the Secretary to administer and enforce the annex. The Act would reduce the incidence of discharges of plastics, including synthetic fishing nets and other ship-generated garbage, into the oceans. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: LCDR Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1483

RIN: 2115–AC74

1621. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM will address new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Additional Information: Docket No. CGD 74-284.

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA08

1622. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN, INSPECTION, TESTING, AND OPERATION (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. SNPRM will address comments received on lessening the impact on small entities and other controversial issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21378
SNPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Additional Information: Docket No. CGD 79-059.

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA34

1623. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would provide specific rules for function, size, and placement of stability appendages. Based on comments received, an SNPRM will issue.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1558
NPRM Comment Period End	04/11/85	
Comment Period Extended to 10/14/85	07/05/85	50 FR 27628
Comment Period Extended to 01/10/86	09/09/85	50 FR 36639
SNPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/11/85 (50 FR 1558)

Additional Information: To be combined with Coast Guard Dockets 81-010 and 85-205 to form a new project.

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA50

1624. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1; 33 CFR 164

Legal Deadline: None

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Additional Information: The Subcommittee on Ship Design and Equipment, IMO, completed action on this item in May 1986 and the results are being included in the NPRM. Final action by the IMO Assembly in November 1987 has made it possible for the Coast Guard to resume action on promulgation of a rule.

Agency Contact: Mr. P. Cojeen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115–AA53

1625. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would revise inflatable liferaft servicing procedures and reduce direct Coast Guard involvement in the servicing of individual liferafts.

Timetable:

Action	Date	FR Cite
ANPRM	08/14/86	51 FR 29117
Public Meeting	01/27/87	51 FR 45783
ANPRM Comment Period End	02/10/87	
NPRM	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 01/00/89

Additional Information: Docket No. CGD 81-010.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA57

1626. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: This action will revoke an obsolete provision and make several editorial changes. Upon further analysis, it has been determined that an SNPRM be issued.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606
SNPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Additional Information: Docket No. CGD 81-023.

Agency Contact: Mr. C. Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA58

1627. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Docket No. CGD 81-082.

Docket No. CGD 81-087.

This project is being evaluated by the Chemical Transportation Advisory Committee.

Agency Contact: R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA70

1628. OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136; 46 CFR 174

Legal Deadline: None

Abstract: This proposal would create a new 46 CFR subchapter governing offshore supply vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	48 FR 6636
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/88

Additional Information: Docket No. CGD 82-004.

Agency Contact: LCDR M. Rosecrans, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AA77

1629. GENERAL REVISIONS OF POLLUTION-PREVENTION REGULATIONS FOR TANKERS (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LCDR W. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AA88

1630. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Additional Information: Docket No. 82-054.

Agency Contact: Mr. C. B. Mosher, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0350

RIN: 2115–AA92

1631. SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: Would revise the standards for self-propelled vessels carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

DOT—USCG **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Ms. D. Anderson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA95

1632. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. CGD 82-092.

Agency Contact: LCDR VanHaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB21

1633. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 34; 46 CFR 76; 46 CFR 95

Legal Deadline: None

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/88

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Agency Contact: Dr. A. Schneider, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB36

1634. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS – INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/88

Additional Information: Docket No. CGD 83-043.

Agency Contact: Mr. M. Mattina, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AB41

1635. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801 to 1812

CFR Citation: 46 CFR 64; 46 CFR 98.30; 46 CFR 98.33; 46 CFR 98.35

Legal Deadline: None

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/88

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AB69

1636. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/88

Agency Contact: Mr. K. Heinz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB70

1637. LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB72

1638. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/89

Additional Information: International Maritime Organization (IMO) action on Mobile Offshore Drilling Unit code expected in 12/88. No work on project until after IMO acts.

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB88

1639. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB92

1640. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 7301

CFR Citation: 46 CFR 12

Legal Deadline: None

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended to 08/01/85	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/00/88

Agency Contact: Mr. S. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC02

1641. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This rulemaking would update the 30-year-old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: This proposal would incorporate by reference an ASTM standard which is still being developed. No further work will be done on the project until the ASTM standard is completed.

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AC13

1642. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC20

1643. SUBCHAPTER "T" TITLE 46, GENERAL UPDATES AND REVISIONS (85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175; 46 CFR 176; 46 CFR 177; 46 CFR 178; 46 CFR 179; 46 CFR 180; 46 CFR 181; 46 CFR 182; 46 CFR 183; 46 CFR 184; 46 CFR 185

Legal Deadline: None

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/00/88

Agency Contact: LCDR W. Cummins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC22

1644. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project currently inactive.

Agency Contact: LCDR G. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC27

1645. 46 CFR SUBCHAPTER 1. EDITORIAL REVISIONS AND CORRECTIONS (86-033)

Significance: Nonsignificant

Legal Authority: 46 USC 1801 to 1812

CFR Citation: 46 CFR 2 to 195

Legal Deadline: None

Abstract: This proposed rule would correct or remove outdated cross-references and statutory citations related to the transportation of hazardous materials throughout 46 CFR Chapter 1.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Additional Information: Project entails replacement of words "46 CFR" with "49 CFR" with necessary revised lead-ins.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC28

1646. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

DOT—USCG

Proposed Rule Stage

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None

Abstract: Proposal would update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LTJG C. DeLeo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC30

1647. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None

Abstract: Proposal would revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC32

1648. UNINSPECTED FISH-PROCESSING VESSELS (86-025)

Significance: Nonsignificant

Legal Authority: 46 USC 4502 (a)

CFR Citation: 46 CFR 27

Legal Deadline: None

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations for uninspected fish processing vessels that enter into service after December 31, 1987 and carry more than 16 persons who are primarily employed in the preparation of fish products.

Timetable:

Action	Date	FR Cite
ANPRM	07/09/87	52 FR 25890
Correction to ANPRM	08/10/87	52 FR 29556
ANPRM Comment Period End	09/08/87	52 FR 25890
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/00/89

Agency Contact: LCDR G. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC34

1649. CARGO LISTS AND TABLES UPDATE (CGD 88-100)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u); 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154

Legal Deadline: None

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action. Notices for this rule are anticipated in Jan./Feb. of each year. Final rules will be completed prior to September 30 of each year.

Timetable:

Action	Date	FR Cite
Final Rule	06/04/87	52 FR 21036
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former regulation title: Compatibility of Cargoes.

Agency Contact: Dr. M. Parnarouskis/Mr. Payne, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC35

1650. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/00/89

Agency Contact: Mr. R. Anderson, Naval Architect, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC37

1651. NAVIGATION BRIDGE VISIBILITY (CGD 85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LTJG E. Raynolds, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0416**

RIN: 2115–AC42

1652. FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None

Abstract: Action being considered would update approval specifications for portable and semiportable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels; it would update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/00/89

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC43

1653. SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would establish U.S. Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, the projects may not be completed in numerical order, and many cannot be given estimated completion dates.

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC46

1654. SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR S. Deno, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AC47

1655. REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS: SOLAS 74/83 (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirements for pyrotechnic distress signals meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR S. Deno, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW,

Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC49

1656. REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS: SOLAS 74/83 (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would establish U.S. Coast Guard approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC50

1657. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirement for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC51

1658. REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS: SOLAS 74/83 (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: Establish U.S. Coast Guard approval requirement for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC56

1659. ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This revision to 33 CFR 160 Subpart C would require advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival. The revision would require vessels of more than 1600 gross tons to provide to the COTP crew makeup and charter information at least 24 hours prior to entering ports or places within the COTP zone.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35095
NPRM Comment Period End	10/24/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35095)

Agency Contact: Lt. J. McDowell, Office of Marine Safety, Security and Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC58

1660. TONNAGE MEASUREMENT OF VESSELS (87-015B)

Significance: Nonsignificant

Legal Authority: 46 USC 14102; 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This project would establish the International Convention on Tonnage Measurement of Ships, 1969, as the primary tonnage measurement system for measuring vessels of 79 feet and longer. The project will also extend simplified measurement to all vessels of less than 79 feet in length and eliminate all vessels of 79 feet in length and over from being measured under the simplified system.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 11/00/88

Additional Information: Formerly entitled Measurement of Vessels.

Agency Contact: Mr. Dennis Lamont, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2992

RIN: 2115–AC67

DOT—USCG

Proposed Rule Stage

1661. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. That project is Coast Guard Docket 87-031a (RIN 2115-AC91) and appears elsewhere in this agenda.

Agency Contact: LCDR W. C. Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1181

RIN: 2115–AC68

1662. ● SMALL PASSENGER VESSEL MANNING AND PERSONNEL QUALIFICATIONS (85-080A)

Significance: Nonsignificant

Legal Authority: 46 USC 404; 46 USC 222; 46 USC 673

CFR Citation: 46 CFR 186; 46 CFR 187

Legal Deadline: None

Abstract: This proposal would require small passenger vessels to be manned by crew members who are trained specifically for this type of vessel and the service in which it is used.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Mr. S. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC93

1663. ● LIFEBOAT, LIFERAFT AND RESCUE BOAT APPROVAL REQUIREMENTS - SOLAS 74/83 (85-201A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 160; 46 CFR 161; 46 CFR 162; 46 CFR 164

Legal Deadline: None

Abstract: This project would revise approval requirements for position-indicating lights, coated cloth, foam buoyancy material and laminating resin used for survival craft and lifesaving equipment to meet the requirements of the international Safety of Life at Sea (SOLAS) convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: CDR W. Riley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115–AC94

1664. ● FLOATING ELECTRIC WATERLIGHTS (85-208)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: Would revise performance requirements of lifeboat search lights to meet the requirements of the 1983 Amendments to the Safety of Life at Sea (SOLAS) convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Mr. R. Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC95

1665. ● SUSPENSION OF BARREL FEES(88-050)

Significance: Nonsignificant

Legal Authority: 46 USC 1811

CFR Citation: 33 CFR 135

Legal Deadline: None

Abstract: The Offshore Oil Pollution Compensation Fund balance is now within the maintenance level range required by statute. This proposal would suspend the barrel fee which feeds the fund until the fund balance falls below the required level.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: Mr. F. Martin, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0520

RIN: 2115–AD01

1666. ● CARGO GEAR INSPECTION AND TESTING (87-089)

Significance: Nonsignificant

Legal Authority: 46 USC 170; 46 USC 363; 46 USC 367

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91

DOT—USCG

Proposed Rule Stage

Legal Deadline: None

Abstract: This project would change the quadrennial cargo gear inspection and testing interval to five years. Improvements in material have been recognized worldwide and other nations have gone to a five-year interval.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AD03

1667. ● INCORPORATION AND ADOPTION OF INDUSTRY STANDARDS (88-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1321j; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would consist of a review of 33 CFR and 46 CFR and incorporate American Society of Testing and Materials (ASTM) standards or adopt the ASTM Code as appropriate in place of the regulations. The regulations for these items currently in Subchapter Q would be deleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/89

Agency Contact: Mr. F. Weidner, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD05

1668. ● PART 165--REGULATED NAVIGATION AREAS AND LIMITED-ACCESS AREAS

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: This proposal would eliminate the current Coast Guard requirement to record the identification of each towboat that moves a barge into, within, or out of a facility on the lower Mississippi River. The result of this proposal would be a reduction in the information collection burden imposed on the public.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LTJG E. Raynolds, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-4006

RIN: 2115–AD07

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1669. + HAZARDOUS MATERIALS POLLUTION PREVENTION: BULK LIQUIDS (86-034)

Significance: Regulatory Program

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This Project would apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances. Although previously not categorized as significant, further analysis has determined this rulemaking to be significant because of safety and environmental considerations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22118
NPRM Comment Period End	09/12/88	
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/13/88 (53 FR 22118)

Additional Information: Former title: Hazardous Substances Pollution Prevention.

Agency Contact: Mr. K.J. Seigety, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC29

1670. + TANKERMAN REQUIREMENTS (CGD 79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the

Standards for Training, Certification, and Watchkeeping for Seafarers (STCW), 1978 has entered into effect and establishes international standards for tank vessel personnel qualifications. This project is significant because of its impact on the environment in a publicly sensitive area.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981.

Agency Contact: Mr. C. Heizer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA03

1671. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region. This rulemaking is significant because of international considerations.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433
NPRM Comment Period End	10/03/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/83 (48 FR 37433)

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: Mr. T. Falvey, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0412

RIN: 2115–AA39

1672. + LICENSING OF MARITIME PERSONNEL (CGD 81 - 059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 35; 46 CFR 157; 46 CFR 175; 46 CFR 185; 46 CFR 186; 46 CFR 187; 46 CFR 15; 46 CFR 26

Legal Deadline: None

Abstract: Amends the licensing regulations to simplify administration and improve readability to the public. Also provides a license structure for all mariners with which to advance in an orderly career pattern. Deletes many unnecessary and outdated licenses. This regulation has been made significant because of its far-reaching impact on all licensed officers of the merchant marine. The Coast Guard is reviewing the comments received and will issue an SNPRM.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
NPRM Supplemental	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38614
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/08/83 (48 FR 35920)

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703; Comment period runs until 02/21/86. Public hearings held in Washington, D.C.; New York, New York; Seattle, Washington; San Francisco, California; and New Orleans, Louisiana.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA64

1673. + OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Agency Priority

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Final, Statutory, September 1, 1987.
Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: Would modify 33 CFR Subchapter N to require evacuation procedures for all Outer Continental Shelf (OCS) facilities on the U.S. OCS. This would apply to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. Any designated standby vessel used as part of a plan would have to meet specific equipment requirements. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	12/24/87	52 FR 48717
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/24/87 (52 FR 48717)

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098.

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AC41

DOT—USCG

Final Rule Stage

1674. + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (CGD 86-067)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7503; 46 USC 7701; 46 USC 6101

CFR Citation: 46 CFR 5; 46 CFR 16; 46 CFR 4

Legal Deadline: None

Abstract: Due to the safety and health concerns associated with drug abuse by merchant marine personnel, as well as legal restrictions on drug use, the Coast Guard is proposing drug abatement programs which include periodic drug tests (urinalysis) as part of required physical examinations, preemployment testing and random sampling programs for all marine employees as well as post- accident and reasonable-cause testing. The post-accident and reasonable cause portions of the program will also involve testing for alcohol use. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25926
Notice of Public Hearings	07/26/88	53 FR 28024
NPRM Comment Period End	09/06/88	
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/08/88 (53 FR 25926)

Additional Information: This project now includes Coast Guard Docket 86-080 (RIN 2115- AC62)

Agency Contact: Mr. S. T. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0229**

RIN: 2115–AC45

1675. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. Requirements for load line and stability are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	12/14/87	52 FR 47422
SNPRM	02/22/88	53 FR 5200
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/89

Agency Contact: Mr. W. Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2988**

RIN: 2115–AA11

1676. DEFECT NOTIFICATION AND FIRST-PURCHASER INFORMATION (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	05/29/87	52 FR 20115
SNPRM	12/16/87	52 FR 47590
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

Additional Information: Docket No. CGD 77-115.

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115–AA16

1677. VESSEL PIPING SYSTEMS (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards. SNPRM was issued to include additional clarifying language and to delete the manufacturers' affidavit system.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extended	03/21/85	50 FR 11397
SNPRM	05/18/88	53 FR 17868
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Additional Information: Docket No. CGD 77-140. Formerly entitled Miscellaneous Changes to 46 CFR 56.

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW,

DOT—USCG **Final Rule Stage**

Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AA17

1678. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: Would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project is listed in this agenda. That project is CGD 78-174b (RIN 2115-AC16), Carriage and Operational Requirements for Inflatable Life Jackets.

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA29

1679. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None

Abstract: Would establish standards, procedures, and tests for approving equipment used to launch liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Additional Information: Docket No. CGD 79-168.

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA45

1680. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None

Abstract: Would establish the general bridge-permit program. There is an initiative to transfer the Bridge Program to the Corps of Engineers. If the Corps agrees and Congress approves, the program will be transferred.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Additional Information: This project is inactive pending transfer of the Bridge Program from Coast Guard to the Corps of Engineers.

Agency Contact: Mr. N. Mpras, Assistant Division Chief, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0368

RIN: 2115–AA61

1681. ● POLLUTION RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (81-101)

Significance: Nonsignificant

Legal Authority: 46 USC 3507; 46 USC 3703

CFR Citation: 46 CFR 30; 46 CFR 98; 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: The Coast Guard published rules implementing Annex II of MARPOL 73/78 on 03/12/87 (52 FR 7765). Experience under this rule has disclosed several areas that require clarification. This rule would clarify requirements of the Annex. An interim final rule was effective August 31, 1988; comment period closed September 15, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/88	53 FR 28970
Final Action	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/10/89

Agency Contact: Mr. R.M. Query, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA73

1682. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents, by raising the threshold for requiring an accident report from $200 to $400.

Timetable:

Action	Date	FR Cite
NPRM	04/25/88	53 FR 13417
Comment Period Extended to 07/25/88	06/10/88	53 FR 21856

DOT—USCG

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	06/24/88	53 FR 13417
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/25/88 (53 FR 13417)

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. C. Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA82

1683. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/89.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA97

1684. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/89.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA98

1685. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None

Abstract: Proposed requirements for the use of liquefied flammable gas and compressed natural gas as cooking fuels on passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Additional Information: Docket No. CGD 83-013.

Agency Contact: LCDR Vanhaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB35

1686. LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.07; 46 CFR 15.812; 46 CFR 10.700

Legal Deadline: None

Abstract: This proposal would: (1) delineate when certain inspected vessels are required to be under the direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control, and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. Based on comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	06/06/88	53 FR 20654
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04.

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW,

DOT—USCG **Final Rule Stage**

Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AB67

1687. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to take 5 days and cost about $600.00 per student.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Robert Spears Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AB99

1688. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
NPRM Comment Period End	03/24/86	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/88

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: CDR David Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0421

RIN: 2115–AC11

1689. CARRIAGE AND OPERATIONAL REQUIREMENTS FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: Would establish approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
NPRM Comment Period End	07/15/85	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29),which was published as an interim final rule (50 FR 33923).

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC16

1690. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151; 46 CFR 54; 46 CFR 98

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations that govern internal inspection and hydrostatic test intervals for pressure vessel cargo tanks on barges that transport liquefied gaseous cargoes and grade A flammable liquids.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	09/08/87	52 FR 33841
Comment Period Extended to 03/07/88	12/01/87	52 FR 45665
NPRM Comment Period End	03/07/88	52 FR 45665
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/08/87 (52 FR 33841)

Agency Contact: LCDR Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC18

1691. INCORPORATIONS BY REFERENCE, VOLUNTARY INDUSTRY STANDARDS (CGD 87-046)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183.5; 33 CFR 183.430; 33 CFR 183.435; 33 CFR 183.505; 33 CFR 183.516; 33 CFR 183.610

Legal Deadline: None

DOT—USCG

Final Rule Stage

Abstract: Rule amends 33 CFR 183, Subparts I, J and K, adopting the latest versions of voluntary industry standards by incorporation by reference. These changes do not involve substantive changes and are being published as as a final rule (editorial change).

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/88

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115–AC72

1692. ELECTRICAL SYSTEM STANDARD (CGD 87-009)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: Rule proposes to amend current regulations on electrical systems for new boats by incorporating Underwriters Laboratories (UL) Standard 1426 by reference to replace UL Standard 83 in Subpart I of Part 83. The proposed rule would also delete a general reference to acceptable wire types in circuits of 50 volts or more. The intended effect is to recognize one of the most widely used wire types, UL boat cable, and to delete a very general reference that is not considered useful.

Timetable:

Action	Date	FR Cite
NPRM	11/23/87	52 FR 44918
NPRM Comment Period End	02/22/88	52 FR 44918
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/88

Additional Information: This project now incorporates the provisions of Coast Guard Docket 87-046 (RIN 2115-AC72). The incorporated project will no longer appear separately in the agenda.

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115–AC73

1693. PORT ACCESS ROUTES; APPROACH TO MOBILE, ALABAMA (CGD 88-034)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: This proposal would modify the fairway in the approach to Mobile, Alabama.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 24959
NPRM Comment Period End	08/01/88	53 FR 24959
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 07/01/88 (53 FR 24959)

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 2nd St., SW, Washington, DC 20593, **202 267-0415**

RIN: 2115–AC81

1694. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
Final Action	10/00/88	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0979**

RIN: 2115–AC84

1695. ALTERNATIVE PROVISIONS FOR REINSPECTIONS OF OFFSHORE SUPPLY VESSELS IN FOREIGN PORTS (CGD 82-004A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 33 USC 1321(j)(1)

CFR Citation: 46 CFR 91

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations concerning the reinspection of offshore supply vessels (OSVs) in foreign ports. Currently OSVs holding two year certificates of inspection are reinspected between the 10th and 14th month of the certificate's period. In recent years, more OSVs have been based overseas in remote locations. Vessel owners must reimburse the Coast Guard for inspector travel and per diem costs in connection with foreign inspections. This action would propose an alternative to the traditional Coast Guard mid-period reinspection. The benefits would be flexibility and financial savings to the OSV industry and more effective use of Coast Guard resources.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17477
NPRM Comment Period End	08/15/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

DOT—USCG

Final Rule Stage

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17477)

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC86

1696. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposal deals with agency procedure, it will be issued as a rule with no notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cdr Stone, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0489

RIN: 2115–AC88

1697. ● ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing obsolete regulations, by making editorial changes, and by removing non-regulatory language and information from the regulatory text.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7949)

Agency Contact: Ms. M. Heggy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC96

1698. ● AIDS TO NAVIGATION SYSTEM, REMOVAL OF REFERENCES (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233; 43 USC 1333(d)

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: This project would remove parenthetical references now in the regulations to an old color scheme which is no longer used.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LTJG Wulfkehle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AC97

1699. ● DOCUMENTATION OF VESSELS - CODIFICATION OF LAW (88-030)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 was recently enacted. The act prohibits United States-built fishing vessels from being extensively rebuilt overseas. This project would implement the provisions of the Act.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: LCDR Oxley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC98

1700. ● DOCUMENTATION OF VESSELS - CONTROLLING INTEREST (88-031)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 requires that for any United States-built vessel to be eligible for a fishery license the controlling interest in any corporation which owns the vessel must be owned by individuals who are citizens of the United States. This project would implement the provisions of the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/89

Agency Contact: LCDR Oxley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC99

1701. ● CIVIL APPEALS PROCEDURES (88-033)

Significance: Nonsignificant

DOT—USCG

Final Rule Stage

Legal Authority: 5 USC 552; 14 USC 633

CFR Citation: 46 CFR 1

Legal Deadline: None

Abstract: In order to reduce repetitive sections and improve clarity, this project would add an "Appeals" section in Part 1 of Chapter I and delete other civil appeals sections.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Ms. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001], 202 267-1217

RIN: 2115–AD00

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Completed Actions

1702. + INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 169; 46 CFR 189

Legal Deadline: None

Abstract: The Coast Guard has amended the intervals between drydocking and tailshaft examination by extending them in most cases for certain classes of vessels. These changes will decrease the cost incurred by the marine industry in meeting these examination requirements and harmonize the intervals with those specified by various classification societies and those under consideration internationally.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
ANPRM Comment Period End	08/02/84	
NPRM	05/30/86	51 FR 19720
Correction to NPRM	06/09/86	51 FR 20847
NPRM Comment Period End	09/30/86	51 FR 29116
Interim Final Rule	10/23/87	52 FR 39639
Final Action	08/24/88	53 FR 32225
Correction to Final Action	09/08/88	53 FR 34872
Final Action Effective	09/23/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/23/87 (52 FR 39639)

Agency Contact: LCDR Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB58

1703. + MANDATORY ALCOHOL AND DRUG TESTING FOLLOWING SERIOUS MARINE INCIDENTS INVOLVING COMMERCIAL VESSELS (CGD 86-080)

Significance: Regulatory Program

Legal Authority: 33 USC 1231; 43 USC 1331; 46 USC 6101; 46 USC 6103

CFR Citation: 46 CFR 4

Legal Deadline: None

Abstract: This action involves regulations which would: 1) require the owner, charterer, managing operator, agent, master, or person in charge of a commercial vessel (designated the "marine employer") to obtain blood, urine, and breath samples as appropriate from persons directly involved in certain serious marine incidents, within prescribed time limits; 2) define the serious marine incident criteria for which this requirement would be applicable; 3) require the marine employer to ship blood and urine samples to a laboratory designated by the Coast Guard for appropriate chemical analysis; and, 4) establish procedures regarding accountability for and processing of blood and urine samples from the time of sampling to the time of receipt of samples at the laboratory.

Timetable:

Action	Date	FR Cite
Consolidated into Another Project	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was combined with Coast Guard docket 86-067 (RIN 2115-AC45) and will no longer be carried separately in the agenda.

Agency Contact: CDR David H. Blomberg, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2215

RIN: 2115–AC62

1704. + SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Legal Deadline: None

Abstract: Establishes safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30241
NPRM Comment Period End	10/24/86	
Final Action	05/04/88	53 FR 15826
Final Action Effective	06/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 05/04/88 (53 FR 15826)

Agency Contact: CDR R. Tanner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW,

Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB60

1705. VITAL SYSTEM AUTOMATION (CGD 81-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 61; 46 CFR 62; 46 CFR 110; 46 CFR 111; 46 CFR 113

Legal Deadline: None

Abstract: Final rule includes provisions for the safe and reliable design and construction of vital system automation on new and modified U.S.-flag passenger vessels and U.S.-flag vessels regulated under 46 CFR Subchapters D, I, and U of 500 gross tons and over. It will also include the technical criteria for the evaluation of safe manning levels on automated vessels. Would incorporate the results of casualty analysis, the amendment to the International Convention for the Safety of Life at Sea, 1974 (SOLAS '74), and longstanding Coast Guard guidance on automation found in navigation and vessel inspection circulars NVIC 1-69 and NVIC 6-84.

Timetable:

Action	Date	FR Cite
NPRM	09/23/85	50 FR 38608
NPRM Comment Period End	02/21/86	
Final Action	05/18/88	53 FR 17820
Correction to Final Rule	06/28/88	53 FR 24269
Final Action Effective	08/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/18/88 (53 FR 17820)

Additional Information: Docket No. CGD 81-030.

Agency Contact: LCDR Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115–AA59

1706. HANDHELD FLASHLIGHTS (82-042)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 33; 46 CFR 35; 46 CFR 75; 46 CFR 77; 46 CFR 94; 46 CFR 96; 46 CFR 108; 46 CFR 154; 46 CFR 160; 46 CFR 161; 46 CFR 192; 46 CFR 195

Legal Deadline: None

Abstract: Deletes 46 CFR 161.008 and incorporates by reference an industry standard in the applicable vessel subparts.

Timetable:

Action	Date	FR Cite
NPRM	09/25/87	52 FR 36062
NPRM Comment Period End	11/09/87	52 FR 36062
Final Action	05/18/88	53 FR 17702
Final Action Effective	08/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/18/88 (53 FR 17702)

Agency Contact: Mr. T. Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115–AA91

1707. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Defines the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period End	09/01/84	49 FR 28744
Comment period extended to 10/15/84	09/13/84	49 FR 35967
Final Action	05/17/88	53 FR 17467
Final Action Effective	06/16/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17467)

Additional Information: Docket No. CGD 82-105.

Agency Contact: Mr. T. L. Willis, Merchant Vessel Inspection and Documentation Division, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AB27

1708. HAZARDOUS MATERIALS USED AS SHIP'S STORES ONBOARD VESSELS (84-044)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 2; 46 CFR 31; 46 CFR 34; 46 CFR 58; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 147; 46 CFR 167; 46 CFR 176; 46 CFR 181; 46 CFR 189; ...

Legal Deadline: None

Abstract: Final action reduces burdens on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ship's Stores and adopting the classification and identification provisions found in 49 CFR Subchapter C which are already required for transportation of hazardous materials. It also eliminated requirements for materials no longer in use and deleted Table S.

Timetable:

Action	Date	FR Cite
NPRM	07/07/87	52 FR 25409
Correction to NPRM	07/10/87	52 FR 26121
NPRM Comment Period End	10/05/87	52 FR 25409
Final Action	03/10/88	53 FR 7745
Final Action Effective	04/11/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/10/88 (53 FR 7745)

Agency Contact: Ms. D. Anderson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB65

DOT—USCG

Completed Actions

1709. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Legal Deadline: None

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78 (Marine Pollution Prevention).

Timetable:

Action	Date	FR Cite
Combined with another project	07/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was combined with Coast Guard docket 87-057 (RIN 2115-AC85) and will no longer be carried separately in the Agenda.

Agency Contact: Ms. L. Martinez, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB66

1710. SELF-INSPECTION OF FIXED OCS FACILITIES (CGD 84-098(A))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

CFR Citation: 33 CFR 140; 33 CFR 143

Legal Deadline: None

Abstract: Would modify 33 CFR Subchapter N by requiring owners/operators of fixed Outer Continental Shelf (OCS) facilities to conduct annual inspections for compliance with Coast Guard regulations and report the results of the self-inspection to the Coast on a Coast Guard-provided form. This proposal minimizes cost to the industry and, by allowing available Coast Guard resources to be concentrated on program oversight and on those operations with poor safety records, would improve safety on the OCS.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	07/07/87	52 FR 25392
NPRM Comment Period End	08/21/87	52 FR 25392
Final Action	05/26/88	53 FR 18977
Final Action Effective	06/27/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Draft Regulatory Evaluation 05/26/88 (53 FR 18977)

Additional Information: CGD 84-098(a) Self-Inspection of Fixed OCS Facilities separated from CGD 84-098 on 28 Mar. 1986.

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AC40

1711. EMERGENCY POSITION INDICATING RADIO BEACONS FOR UNINSPECTED FISHING, FISH PROCESSING, AND FISH TENDING VESSELS (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102 as amended by Coast Guard Authorization Act of 1986

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None

Abstract: The Coast Guard Authorization Act of 1986 amended 46 USC 4102 to require uninspected fishing, fish processing, and fish tender vessels operating on the high seas to carry "the number and type of Emergency Position Indicating Radio Beacons (EPIRBS) prescribed by regulation." In implementing the law, this regulation will ensure rapid, effective search and rescue during emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33448
NPRM Comment Period End	11/19/87	52 FR 39546
Final Action	08/17/88	53 FR 31004
Final Action Effective	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 05/14/87

Agency Contact: LCDR W. M. Riley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC69

1712. DELEGATION OF AUTHORITY TO MEASURE VESSELS (87-015A)

Significance: Nonsignificant

Legal Authority: 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This final rule provides standards to enable maritime-related organizations to participate with the American Bureau of Shipping in measuring U.S. vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/03/87	52 FR 46103
NPRM Comment Period End	02/02/88	52 FR 46103
Final Action	06/06/88	53 FR 20619
Final Action Effective	06/06/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/88 (53 FR 20619)

Agency Contact: Mr. Joseph T. Lewis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2992

RIN: 2115–AC70

1713. ASSISTANCE TOWING LICENSES (CGD 87-017)

Significance: Nonsignificant

Legal Authority: 46 USC 8904; 46 USC 7101; 49 CFR 1.46

CFR Citation: 46 CFR 10; 46 CFR 157; 46 CFR 187

Legal Deadline: Final, Statutory, September 15, 1988.
Amendment to 46 USC 8904 requiring assistance towing licenses becomes effective 1 January 1988

Abstract: Rule proposes to amend the regulations for the licensing of maritime personnel to include specific licensing and manning requirements for all vessels, regardless of size, which tow a disabled vessel for consideration. This proposal is made in response to a statutory change requiring such licenses. This action is intended to provide assurance to all involved parties that all persons who provide assistance towing services have met minimum established standards for knowledge and experience.

Timetable:

Action	Date	FR Cite
NPRM	08/20/87	52 FR 31429
NPRM Comment Period End	10/19/87	52 FR 31429
Final Action	05/24/88	53 FR 18559
Final Action Effective	09/15/88	53 FR 18559

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $18,750; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Analysis: Regulatory Evaluation 08/20/87 (52 FR 31429)

Agency Contact: LCDR Gary Kaminski, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0218

RIN: 2115–AC82

1714. ● ANCHOR REQUIREMENTS FOR CERTAIN VESSELS (87-013)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 77; 46 CFR 96; 46 CFR 195

Legal Deadline: None

Abstract: Final rule incorporated into 46 CFR standards for anchors and chains which are used on ferries, supply vessels, and tugs.

Timetable:

Action	Date	FR Cite
Final Action	06/06/88	53 FR 20623
Final Action Effective	07/06/88	53 FR 20623

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/88 (53 FR 20623)

Agency Contact: A. Penn, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AC90

1715. ● POSTING REQUIREMENT FOR PLACARD OF LIFESAVING SIGNALS AND BREECHES BUOY INSTRUCTIONS, FORM CG-811 (CGD 87-031A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 108; 46 CFR 167; 46 CFR 196

Legal Deadline: None

Abstract: This rule removes the requirement that Form CG-811, "Lifesaving Signals, Helicopter Recovery Procedures, and Breeches Buoy Instructions" be posted in various locations throughout certain vessels and requires only that it be readily available to the deck officer of the watch. This action reduces the burden on the public of posting and maintaining several copies of the form.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/87	52 FR 31786
ANPRM Comment Period End	11/23/87	
Final Action	07/22/88	53 FR 27686
Final Action Effective	07/22/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/22/88 (53 FR 27686)

Additional Information: In August of 1987 (52 FR 31786) the Coast Guard published an ANPRM soliciting comments on which posting requirements are unduly burdensome or duplicative. That solicitation preceded several suggestions for regulations changes. This rule implements one of the suggestions.

Agency Contact: LCDR G. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC91

1716. ● CONTROL OF RESIDUES AND MIXTURES CONTAINING OIL OR NOXIOUS LIQUID SUBSTANCES (CGD 85-010)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None

Abstract: This rule amends the pollution regulations by reducing the amount of residues and mixtures allowed to remain in ships' cargo tanks, limiting the amount of noxious liquid substances discharged into the sea and ensuring that ships experience no undue delays while waiting to discharge noxious liquid substances to a reception facility.

Timetable:

Action	Date	FR Cite
Final Action	03/12/87	52 FR 7744
Final Action Effective	04/11/87	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/12/87 (52 FR 7744)

Agency Contact: LCDR J. Whitehead, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, S. W., Washington, DC 20593-0001, 202 267-0494

RIN: 2115–AC92

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

1717. + FLIGHT ATTENDANT FLIGHT-TIME LIMITATIONS AND REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: The Association of Flight Attendants and the Joint Council of Flight Attendant Unions have petitioned the FAA to amend Part 121 and 135 to establish maximum duty time limits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-8096**

RIN: 2120–AB97

1718. REVIEW: PART 21– CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9372**

RIN: 2120–AB09

1719. REVIEW: PART 121 – CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3749**

RIN: 2120–AB27

1720. REVIEW: PART 135 – AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8096**

RIN: 2120–AB28

1721. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 22781.

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA79

1722. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: The FAA is considering rulemaking to revise several sections of Part 135 dealing with instrument flight rules. The proposed rule would: (1) permit IFR operations enroute with a VFR buffer zone underneath the cloud ceiling, and by permitting an IFR approach at destination; (2) change IFR takeoff minimums at U.S. military airports to be compatible with U.S. civil airport requirements, and (3) provide driftdown standards during enroute operations in IFR conditions in multiengine aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA82

1723. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: This action would delay an October 15, 1992, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Al Hodges, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8177

RIN: 2120–AA98

1724. FATIGUE EVALUATION, BIRD IMPACT, AND LIGHTNING PROTECTION FOR PROPELLERS OF COMPOSITE CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This action would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120–AB05

1725. AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502; 4 UST 1830

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

DOT—FAA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120–AC17

1726. TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 3101(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.91

Legal Deadline: None

Abstract: This proposal would amend Section 91.91 to prevent interference with ground or aerial search or investigation by nonparticipating aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 01/02/89

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-87-9R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9251

RIN: 2120–AC40

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

1727. + REVIEW OF PARTS 61, 141, 143 - PILOT, PILOT SCHOOL, AND GROUND INSTRUCTOR RULES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 141; 14 CFR 143

Legal Deadline: None

Abstract: The objective of this rulemaking project is to update and revise Parts 61, 141, and 143 of the Federal Aviation Regulations and determine the feasibility and need for consolidating Parts 61, 141, and 143 into a single regulation covering the entire spectrum of pilot training and certification. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Hearings	06/27/88	53 FR 24178
Comment Period Extended	08/05/88	53 FR 29582

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: RIN 2120-AB14 has been combined into this review.

Agency Contact: John D. Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AB12

1728. + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leo Weston, Division Manager, AFS-300, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8203

RIN: 2120–AC38

1729. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports. Proposed action has been superseded by the Metropolitan Washington Airports Act of 1986 and will be withdrawn.

DOT—FAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/28/83	48 FR 19174
NPRM Comment Period End	07/27/83	
SNPRM Comment period end 07/16/84	06/14/84	49 FR 24626
To be Withdrawn	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/14/84 (49 FR 24626)

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3491**

RIN: 2120–AA89

1730. + AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 926-6930**

RIN: 2120–AA57

1731. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project follows completion of Part 121 rulemaking.

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AB22

1732. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Contemplated action would revise certification and operational requirements for aircraft effective the date of the NPRM. On that date the current two-stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3560**

RIN: 2120–AB88

1733. + TRANSPONDER REQUIREMENTS IN COASTAL AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ). This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/86	51 FR 4756
ANPRM Comment Period End	04/10/86	
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 10/03/88

Additional Information: Regulatory Project ATO-200-85-8R (Docket # 24903)

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AB99

1734. + NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise standards for type certification of airplanes. A new generation of aircraft powered by prop-fan engines may present a noise problem that is not currently addressed by Part 36 in that en route noise at cruise altitude (25,000 to 30,000 ft) may require a new standard. This proposal would establish a new standard to control high altitude flyover noise from these new types of aircraft, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/87	52 FR 8050
ANPRM Comment Period End	06/11/87	
Comment period extended to 10/01/87	07/20/87	52 FR 27304
NPRM	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulation Evaluation 10/03/88

Agency Contact: Harvey H. Van Wyen, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3553

RIN: 2120–AC20

1735. + SST STAGE 3 COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7618
NPRM	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 10/30/86 (51 FR 39663)

Additional Information: Docket 25109.

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AC22

1736. + FLIGHT ATTENDANT REQUIREMENTS DURING DEPLANING AND BOARDING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise the regulation dealing with the required number of flight attendants to clarify the original intent of the regulation. The current regulations are confusing and not clearly understood. The proposed amendments would clarify the number of flight attendants required when passengers are onboard an airplane, during specified periods, and proposals would allow for a reduced number of flight attendants onboard an airplane during specified periods. The proposals would specify the conditions to be met to reduce the number of flight attendants at these stops. Additionally, the proposals would allow other authorized persons to be substituted for the required flight attendants at these stops, and would clearly establish the requirements for training for those authorized persons. A proposed new rule would clarify where the required flight attendants and other persons must be located when they are onboard the airplane. This action is considered significant because of the substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8094

RIN: 2120–AC32

1737. + PART 129 SECURITY PROGRAM FOR FOREIGN AIR CARRIERS

Significance: Agency Priority

Legal Authority: 49 USC 1346; 49 USC 1345(a); 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1502; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 129

Legal Deadline: None

Abstract: Notice proposes to require foreign air carriers that land or takes off in the United States to submit to the Administrator for approval a written security program that describes the procedures, facilities, and equipment used by the foreign air carrier to provide for the protection of persons and property traveling in air transportation against acts of criminal violence and air piracy. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34874
NPRM Comment Period End	11/07/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/08/88 (53 FR 34874)

Agency Contact: David Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3466**

RIN: 2120–AC42

1738. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice will propose to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to exit types and quantities required for passenger seating configurations while retaining the same level of safety. This notice also will propose to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Franklin Tiangsing, Regulations Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, **206 431-2134**

RIN: 2120–AC43

1739. + IMPROVED ACCESS TO TYPE III AND TYPE IV EMERGENCY EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: Notice will propose to amend Parts 25 and 121 of the FAR to provide for improved access to Type III and Type IV emergency exits. These proposals are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. This rulemaking is considered to be significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2121**

RIN: 2120–AC46

1740. + PILOTS CONVICTED OF DRIVING WHILE INTOXICATED (DWI)/UNDER INFLUENCE (DUI)

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 65; 14 CFR 67

Legal Deadline: None

Abstract: Notice will propose to amend the existing Federal Aviation Regulations to allow pilot certification action when a pilot has been convicted of multiple DWI/DUI motor-vehicle offenses. This rulemaking is a significant FAA initiative based on the DOT/Inspector General Report of Feb. 17, 1987, entitled "Report on Audit of Airmen Medical Certification Program."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Robert Bartanowicz, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9679**

RIN: 2120–AC51

1741. + FLIGHT PLAN FILING REQUIREMENTS; NATIONAL AIRSPACE REVIEW RECOMMENDATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.83

Legal Deadline: None

Abstract: This action will propose to review flight-plan filing requirements and revise according to National Airspace Review Recommendations 2-3.1.4, 2-3.1.5, 2-3.1.6, 2-3.1.7, and 2-3.1.8, i.e., to establish lower ceiling and visibility criteria for rotorcraft so as to reduce the frequency of required IFR alternate airport filings; to allow fixed-wing aircraft to file IFR alternate airports that meet the same criteria as rotorcaft; to require pilots to indicate, in their flight plans, when their aircraft is equipped with special equipment. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-12R RIN AC41 was consolidated into this proceeding.

Agency Contact: William C. Davis, Manager, Air Traffic Rule Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8783**

RIN: 2120–AC56

1742. ● + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Agency Priority

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.
PL 100-223 Sec 303

Abstract: This notice proposes new requirements for water-survival equipment carried aboard airplanes and rotocraft. The requirements would apply, after specified dates, to US-certificate holders that conduct common-carriage operations with airplanes and rotocraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890)

Agency Contact: Richard Nelson, Department of Transportation, Federal Aviation Administration, Office of Air Worthiness, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9574**

RIN: 2120–AC72

1743. ● + EXIT ROW SEATING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 2355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121.585; 14 CFR 135.127

Legal Deadline: None

Abstract: This action would add new regulations to require air carriers to limit seating in exit rows to those persons they determine appear to be able to perform certain functions regarding emergency evacuation. Existing air carrier policies having this intent may be inadequate and would be rendered completely ineffective by proposed 49 CFR 382.31 which would prohibit air carriers from restricting seating except in accordance with FAA regulations. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/03/88

Additional Information: This issue will also be subsumed within the Regulatory Program proceeding entitled Nondiscrimination of the Basis of Handicap (Air Travel), RIN 2105-AA18.

Agency Contact: Irene Mields, Senior Attorney, General Legal Services Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3473**

RIN: 2120–AC75

1744. ● + PARTS 121 AND 135 - TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the Parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed ungraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8096**

RIN: 2120–AC79

1745. ● + ADVANCED FLIGHT CREWMEMBER TRAINING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action would propose to improve aircrew performance in air carrier and commuter operations by establishing a core of training requirements to include cockpit resource management (CRM) training, airman upgrade training, milestone schedules for training, criteria for training centers, etc. This training method would not be mandatory but rather would provide an alternative method of meeting the training requirements of Parts 121 and 135. This project includes the development of an advisory circular which would provide an acceptable means for developing an advanced flight crewmember training program. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is

significant because of its safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AC80

1746. ● + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.
PL 100-223 Sec 303

Abstract: The FAA proposes to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650)

Additional Information: Docket 25611

Agency Contact: Arthur Hayes, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, Dc 20591, 202 267-9937

RIN: 2120–AC84

1747. REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120–AA70

1748. REVIEW PART 75 FOR RETENTION OR REVOCATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983); 14 CFR 11.69; 49 CFR 1.47

CFR Citation: 14 CFR 75

Legal Deadline: None

Abstract: This action will review Part 75 per National Airspace Review Recommendations toward revocation and establish nonrulemaking procedures for handling jet route actions.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Regulatory Project No: ATO-200-84-24R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC55

1749. PART 91, SUBPART B, REVIEW FOR SIMPLIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49

USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/01/89

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq; EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983 Regulatory Project ATO-200-85-28R

Agency Contact: Reginald Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9245**

RIN: 2120–AA07

1750. PART 77 REVIEW, OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This action would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Final Regulatory Evaluation 11/30/88

Additional Information: No docket number assigned; Regulatory Project ATO-200-85-15R

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8783**

RIN: 2120–AA09

1751. FUEL SYSTEM FIRE PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend Sec. 25.975 to require fuel tank vent protection during ground fires and Sec. 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket 24251; formerly entitled Implementation of SAFER Propulsion System Recommendations.

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120–AA49

1752. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/89

Agency Contact: Alberta A. Brown, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8150**

RIN: 2120–AA83

1753. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposal would review special conditions issued for high altitude operation and consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Gary Lium, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2134

RIN: 2120–AB18

1754. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	07/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/30/89

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120–AB36

1755. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AB45

1756. PRIMARY CATEGORY AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f)-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: Action would propose to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the notice will propose simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

Agency Contact: Lyle Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9583

RIN: 2120–AB53

1757. PART 157 REVIEW

Significance: Nonsignificant

Legal Authority: Secs 309, 313(a), 314, 72 Stat. 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: Contemplated revision of FAR Part 157 would include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto. Pending completion of Regulatory Evaluation.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/03/88

Additional Information: Regulatory Project ATO-200-86-13R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9251

RIN: 2120–AB74

1758. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None

Abstract: This review program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons. Pending completion of Regulatory Evaluation. NPRM is being drafted.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/90

Additional Information: Part 91 revision also is required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both Parts 91 and 101 with respect to balloon operations. Regulatory Project ATO-200-84-20R.

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AB75

1759. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage. NPRM would require both the fuel-air mixture control device and throttle control device to move automatically to an acceptable position for continued safe operation in event control linkage of these levers become disconnected.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/86	51 FR 7224
ANPRM Comment Period End	04/29/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120–AB76

1760. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: Contemplated activity would revise Section 43.17 to provide for the acceptance of maintenance, alteration, or modification accomplished on U.S.-registered aircraft, other aeronautical products, and components, in Canada, by persons authorized by Transport Canada Airworthiness Group and approved for return to service in accordance with the U.S.-Canadian Bilateral Airworthiness Agreement.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Angelo Mastrullo, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3805

RIN: 2120–AB89

1761. NEW ROTORCRAFT EMERGENCY POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Parts 27 and 29 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/01/89

Additional Information: Formerly entitled Revised One-Engine-Inoperative Ratings for Rotorcraft.

Agency Contact: Ray Twa, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5158**

RIN: 2120–AB90

1762. TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/30/89

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5123**

RIN: 2120–AB91

1763. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g), (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action pending operational evaluation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket Number 23755. Regulatory Project ATO-200-84-2P

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9245**

RIN: 2120–AB92

1764. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75; 14 CFR 91; 14 CFR 103; 14 CFR 105; 14 CFR 1

Legal Deadline: None

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations. Adoption of these recommendations was proposed in ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/03/88

Additional Information: Docket number 24456.

Regulatory Project ATO-200-84-7R. This action will incorporate RINS 2120-AB02, AB93 and AC57.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9246**

RIN: 2120–AB95

1765. TYPE CERTIFICATION BASIS FOR PRODUCT TYPE DESIGN CHANGE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations governing the certification procedures applicable to the type design approval of aircraft, aircraft engines, and propellers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Lyle Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9568**

RIN: 2120–AC05

1766. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for

compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3752**

RIN: 2120–AC08

1767. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 926-6930**

RIN: 2120–AC14

1768. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This project will propose design requirements applicable to advancements in technology being incorporated into current designs, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 426-6930**

RIN: 2120–AC15

1769. ROTORCRAFT CERTIFICATION REQUIREMENTS; COORDINATION WITH EUROPEAN AIRWORTHINESS AUTHORITIES STEERING COMMITTEE (AASC)

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29; 14 CFR 27

Legal Deadline: None

Abstract: This action would propose changes to Parts 27 and 29, based primarily on proposals supported by the European Joint Airworthiness Requirements group. The proposed changes would affect systems, propulsion, and airframe components, and would introduce safety improvements, clarify existing regulations, and standardize terminology, in an effort to standardize airworthiness rules as much as possible between the United States and Europe, for the type certification of transport category rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/89

Agency Contact: R. T. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5111**

RIN: 2120–AC27

1770. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: Notice will propose to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight-crew take no active role in the demonstration and changing the age/sex distribution requirement for demonstration participants. This notice also proposes to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system.

These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC45

1771. GLOBAL POSITIONING SYSTEM USE IN TERMINAL CONTROL AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.90

Legal Deadline: None

Abstract: Adoption of this recommendation would allow aircraft operating in a Group I or II Terminal Control Area to be equipped with Global Position System (GPS), Very High Frequency Omnirange Station (VOR) or Tactical Air Navigation (TACAN) equipment.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-17R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9246

RIN: 2120–AC54

1772. NON-FEDERAL AIR TRAFFIC CONTROL TOWERS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321; 49 USC 106(g) (Revised PL 97-449, January 12, 1983); ...

CFR Citation: 14 CFR 91; 14 CFR 105

Legal Deadline: None

Abstract: The adoption of this recommendation would allow review, study, and proposal of changes to Parts 91 and 105 of the regulations. This proposal would define the responsibilities of non-Federal air-traffic control towers as to compliance with FAA air-traffic control towers.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/01/88

Additional Information: Regulatory Project No. ATO-200-87-14R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9251

RIN: 2120–AC59

1773. PROPOSED REVISION OF PART 93, SUBPART O(JAX)

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)(Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: The purpose of this proposal is to lessen the burden on the flying public by reducing the lateral size of the existing Jacksonville, Florida, Navy Airport Traffic Area.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/88

Additional Information: Regulatory Project No. ATO-200-87-15R

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9246

RIN: 2120–AC65

1774. SHOULDER HARNESS FOR EACH SEAT IN PART 27 AND 29 ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend Parts 27 and 29 to require a shoulder harness for each seat in rotorcraft manufactured after December 31, 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/01/89

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Fort Worth, TX 79193-0111, 817 624-5117

RIN: 2120–AC67

1775. FUEL SYSTEM CRASHWORTHINESS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to implement requirements in Parts 27 and 29 for crash-resistant fuel systems to reduce injuries or fatalities resulting from ignition of flammable fluids following an otherwise survivable crash of a rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/30/89

Additional Information: Formerly entitled Crash-Resistant Fuel Systems.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5118**

RIN: 2120–AC68

1776. ● INDEMNIFICATION OF PUBLISHERS OF AERONAUTICAL CHARTS AND MAPS

Significance: Nonsignificant

Legal Authority: 49 USC 1519

CFR Citation: 49 CFR 15.10; 49 CFR 15.11; 49 CFR 15.12; 49 CFR 15.13; 49 CFR 15.14; 49 CFR 15.15; 49 CFR 15.16; 49 CFR 15.17

Legal Deadline: None

Abstract: This proposed action would revise 49 USC 1519 to provide for the filing of indemnity claims by publishers of aeronautical charts and maps, who are not presently encompassed in that section, provided they meet certain specified conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31608
NPRM Comment Period End	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31608)

Additional Information: This action is in response to an amendment of 49 USC 1519, which added a new section 1118 to the Federal Aviation Act of 1978, as amended.

Agency Contact: James S. Dillman, Assistant Chief Counsel, Litigation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3661**

RIN: 2120–AC73

1777. ● ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend Part 25 of the Federal Aviation Regulations (FAR) to add a new standard for transport category airplanes which would provide lightning protection requirements for installed systems. This proposal is the result of an increasing concern for the vulnerability of electronic systems to the indirect effects of lightning, and is to promulgate specific lightning protection requirements for systems which perform essential and critical functions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gene Vandermolen, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2114**

RIN: 2120–AC81

1778. ● LANDING GEAR AURAL WARNING

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplane landing gear aural warning systems and the operating rules for air carrier and air taxi operators of transport airplanes by updating the present requirements to make them more functionally oriented. This proposal is prompted by reports of nuisance or inappropriate aural warnings which have occcurred in modern transport airplanes when strictly adhering to the present regulations. It is intended to enhance flight safety while decreasing the regulatory burden associated with making an equivalent level of safety finding or exemption, for those systems that do not meet the existing requirements. This proposal will not affect existing certified airplanes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gene Vandermolen, Flight Test and Systems Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2114**

RIN: 2120–AC82

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

1779. + LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFFS/LANDINGS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 135; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to require that all turbojet-powered airplanes operated in accordance with Part 121 have airborne systems that warn a flightcrew of the presence of low-altitude windshear conditions and then provide flight guidance to follow that would produce the optimal flight path for a missed approach procedure. This proposal would require that any Part 121 operator using an approved simulator as a part of its training program develop a specific windshear-related simulator flight training course for its flightcrews. This proposal would require that Part 121 and 135 operators using an approved training program include training concerning the low-altitude windshear phenomenon as a part of their normal ground training. Low-altitude windshear has been a prime causal factor in numerous air carrier accidents and possibly has contributed to a number of general aviation accidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807
ANPRM Comment Period End	08/03/79	
NPRM	06/01/87	52 FR 20560
NPRM Comment Period End	09/28/87	
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/01/87 (52 FR 20560)

Additional Information: Docket No. 19110. In 1975, the FAA began a two-year effort to develop a windshear program. As part of the program, FAA began work to develop a windshear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal, it was determined that a regulatory analysis would not be required; however, an evaluation has been made and docketed.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AA01

1780. + CONTROL OF DRUG AND ALCOHOL USE FOR PERSONNEL ENGAGED IN COMMERCIAL AND GENERAL AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposes to require domestic, flag, and supplemental air carriers, commercial operators of large aircraft, air taxi operators, commercial operators, certain contractors to these operators, and air traffic control facilities not operated by, or under contract with the FAA or the U.S. military to have an anti-drug program for employees who perform specific safety-related functions. The proposals are intended to ensure a drug-free aviation environment and to eliminate drug abuse in commercial aviation.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/86	51 FR 44432
ANPRM Comment Period End	01/23/87	
Comment Period Extended to 02/23/87	01/23/87	52 FR 2547
NPRM	03/14/88	53 FR 8368
Notice of Public Hearings	05/20/88	53 FR 18250
NPRM Comment Period End	06/13/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 03/14/88 (53 FR 8368)

Agency Contact: Dr. Robert S. Bartanowicz. Assistant Manager, Safety Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9679

RIN: 2120–AC33

1781. + INSTALLATION OF TRAFFIC CONTROL AVOIDANCE SYSTEM IN DOMESTIC TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1352 to 1355; 49 USC 1401 to 1431; 42 USC 4321 et seq; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: Other, Statutory, December 30, 1991.
PL 100-223

Abstract: This notice proposes to require the installation and use of a Traffic Alert and Collision Avoidance System (TCAS) in large transport type airplanes and certain turbine powered smaller airplanes. TCAS, which utilizes the signal from existing transponders, would provide for a collision avoidance capability in the cockpit independent of the ground Air Traffic Control (ATC) system, or where there is no ATC coverage. Additionally, the notice proposes that all operators of TCAS-equipped airplanes have an FAA-approved TCAS training program for flight crewmembers.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32268
NPRM Comment Period End	12/24/87	
Final Action	10/28/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/26/87 (52 FR 32268)

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120–AC34

DOT—FAA

Final Rule Stage

1782. + REVISION OF FOREIGN REPAIR STATION RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g); ...

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: This notice proposes to update the regulations for certificating foreign repair stations to accommodate the increasing demand for maintenance and alteration of U.S.-registered aircraft manufactured worldwide. This proposal would (1) modify the requirement for determination of need before a foreign repair station may be considered for U.S. certification, and (2) modify the limitations on the scope of work that a foreign repair station may perform on U.S.-registered aircraft, engines, propellers, appliances, and component parts for use on U.S.-registered aircraft. In addition, it is proposed that a foreign or domestic manufacturer, or a product for which it holds a U.S. type certificate and that is certificated by the FAA as a repair station, be allowed to return to service a component maintained or altered by a noncertificated source subject to specified conditions. Lastly, to be consistent with the air carrier operating rules, the air taxi/commercial operator rules would be amended to permit the airworthiness release to be signed by a person authorized by a U.S.-certificated foreign repair station.

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45124
NPRM Comment Period End	01/25/88	
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/24/87 (52 FR 45124)

Agency Contact: Leo Weston, Manager, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8203

RIN: 2120–AC50

1783. + INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: This notice supplements NPRM 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be accomplished with less paperwork, and the concept could be further modified to conform to other pertinent regulations. The supplemental NPRM proposed to permit rotorcraft and nonturbine powered airplanes (for which a master minimum equipment list has not been developed), that are not being utilized in an air carrier operation, to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental NPRM proposed to permit flight operations with certain inoperative instruments and equipment for small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master minimum equipment list has been developed and that are not being utilized in an air carrier operation) the option of selecting the minimum equipment (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
NPRM Comment Period End	01/25/82	
SNPRM Comment Period End 03/14/88	12/15/87	52 FR 47680

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/26/81 (46 FR 52278)

Additional Information: ABSTRACT CONT: list concept or complying with the provision contained in the new proposed regulations. This rulemaking is significant because of substantial public interest.

Agency Contact: John Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3841

RIN: 2120–AA19

1784. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This final rule would establish a recreational pilot certificate which would allow a student pilot to receive certification to fly certain aircraft after fewer hours of training than are currently required of a private pilot applicant. The recreational pilot certificate is intended to be a low-cost alternative to a private pilot certificate for persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport that is not in airspace in which communication with an air traffic control facility is required. The rule would also establish an annual flight review requirement for noninstrument-rated private pilots with fewer than 400 flight hours. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	50 FR 26286
NPRM Comment Period End	09/24/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

DOT—FAA **Final Rule Stage**

Analysis: Regulatory Evaluation 06/25/85 (50 FR 26286)

Additional Information: Docket No. 24695

Agency Contact: Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3844

RIN: 2120–AA54

1785. + TRANSPORT CATEGORY ROTORCRAFT STRUCTURAL FATIGUE EVALUATION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This amendment would revise Section 29.571 to add flaw tolerance to the fatigue evaluation of rotorcraft structure. This rulemaking is considered significant because it involves important safety issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	02/22/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/22/86 (51 FR 33704); Regulatory Evaluation 02/22/89

Additional Information: Docket No. 23485. Public meeting held on February 8, 1983. This project was formerly entitled Rotorcraft Structural Fatigue Including Tolerance to Flaws.

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AA84

1786. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact. This rulemaking is significant because of the obvious safety improvements in crash situations, but also because of industry and operator concerns as to incurred costs due to increased weight and design effort.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20938
NPRM Comment Period End	12/30/87	
Comment period reopened to 05/06/88	03/08/88	53 FR 7479

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/03/87 (52 FR 20938)

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5117

RIN: 2120–AB35

1787. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None

Abstract: This proposal was part of a Department of Energy (DOE) contemplated action to enhance protection of nuclear research and production facilities, whereby helicopter operations over the designated sites would be prohibited without prior DOE authorization. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address. DOE has conducted an indepth review of security at all sites, and has concluded that further regulatory action is not necessary. The proposal will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
ANPRM Comment Period End	04/09/84	
Public Hearings Announced	07/20/84	49 FR 29411
Comment Period Extended to 11/16/84	08/07/84	49 FR 31435
To be withdrawn	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Paul Gallant, Special Use Airspace, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AB39

DOT—FAA

Final Rule Stage

1788. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule was designed to alleviate increased delays throughout the air traffic system. The regulation was significant because of its involvement with important departmental policy. However, recent regulations issued by the Office of the Secretary and voluntary schedule changes by the airlines have lessened the need for this specific proposal. Therefore, this proposed rule will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	
To Be Withdrawn	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/84 (49 FR 33082)

Additional Information: Docket No. 24206.

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AB42

1789. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1988. It would also revise the noise-level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three-year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/14/86	51 FR 25500
NPRM Comment Period End	10/09/86	
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/14/86 (51 FR 25500)

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB47

1790. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: This proposal would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit remodification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators, and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23144
NPRM Comment Period End	09/14/87	
Final Action	10/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/17/87 (52 FR 23144)

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB50

1791. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/27/86 (51 FR 19140)

Additional Information: Docket No. 24995

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2143**

RIN: 2120–AB77

1792. + FLIGHT PLAN AND TRANSPONDER-ON REQUIREMENTS IN AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: The proposal would require that all civil aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a filed flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder would have to be conducted with that transponder on and replying on the appropriate code or on a code assigned by ATC. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37882
NPRM Comment Period End	12/23/86	
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/24/86 (51 FR 37882)

Additional Information: Regulatory Project ATO-200-85-13R (Docket # 25099)

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9245**

RIN: 2120–AC00

1793. + FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS - PARTS 121 AND 135

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 USC 1472; 49 USC 1355(a); 49 USC 1431

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would propose requirements to improve cargo compartment fire protection for transport category airplanes operated under Parts 121 and 135 after a specified date. This action would propose a new rule which would require, within two years, replacement of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes. This rulemaking is significant because of substantial public interest in crashworthiness criteria.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42512
NPRM Comment Period End	05/03/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/05/87 (52 FR 42512)

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AC04

1794. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT-CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to limit increases in passenger emergency escape path distance by establishing a new standard limiting the distance any passenger seat may be from the nearest emergency exit and the distance any exit may be from an adjacent exit. The proposal would make the standard applicable to type certification of new transport category airplane models, regardless of the date of original application for type certificate, and to airplanes operating under Part 121, except those already in operation. The standard would be applicable for issuance of standard airworthiness certificates for airplanes manufactured after the NPRM date. The proposal is a result of the recent public Emergency Evacuation Task Force and is intended to improve the likelihood of passengers safely escaping an airplane during an emergency evacuation; for this reason the rulemaking is considered significant.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39190
NPRM Comment Period End	12/21/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 10/20/87 (52 FR 39190)

Agency Contact: Arthur Hayes, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9937

RIN: 2120–AC29

1795. + TERMINAL CONTROL AREA CLASSIFICATION AND PILOT/EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1348(a); 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 thru 31; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 thru 25; 49 USC 106(g); EO 10854; 14 CFR 11.69

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This rulemaking proposes to establish a single-class TCA, require all aircraft to be equipped with an automatic altitude reporting transponder when operating within 30 miles of a TCA primary airport, require student pilots to receive TCA training and instructor pilot endorsement in order to conduct operations in a TCA, require helicopters to be equipped with appropriate navigational aid equipment, and require a private pilot license for operations at certain TCA primary airports. A draft final rule is being prepared to extract all of the Mode C issues which have been disposed of in Amendment No. 91-203. This rulemaking is considered significant because it is controversial, involving substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22918
Comment Period Extended - NPRM to 09/16/87	08/06/87	52 FR 29205
NPRM Comment Period End	08/17/87	
Final Action	10/03/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/16/87 (52 FR 22918)

Additional Information: RIN 2120-AC36 has been combined into this proceeding. Regulatory Project No AT-200-86-21R (Docket #25304)

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AC35

1796. + COMMUTER CATEGORY AIRPLANES: COCKPIT VOICE RECORDER (CVR) AND FLIGHT DATA RECORDER (FDR) REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: The FAA amends its regulations to require digital flight data recorders and cockpit voice recorders (CVRs) to be installed in a broad category of airplanes and rotorcraft operated by air carriers and commuters, as well as in selected aircraft operated in general aviation. The amendments are in response to legislation which mandates the FAA to amend its flight recorder and CVR requirements in accordance with recommendations from the National Transportation Safety Board (NTSB). The intent of this rulemaking is to provide more information to accident investigators in determining the causes of accidents and the measures needed to correct the causes. In addition, the FAA also requests additional comments regarding the general aviation requirements. This rulemaking is considered significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4314
NPRM Comment Period End	03/28/88	53 FR 4314
Final Action	07/11/88	53 FR 26134
Correction to Final Action	08/16/88	53 FR 30838
Correction to Final Action	08/16/88	53 FR 30906
Final Action	10/11/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/11/88 (53 FR 26134)

Additional Information: Additional comments were invited through October 11, 1988.

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120–AC48

1797. + DESIGN STANDARDS FOR FUEL-TANK ACCESS PANELS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to require that the fuel-tank access panels of transport category airplanes be designed to minimize penetration by likely foreign objects and be fire resistant. This proposed change is based on service experience and is intended to reduce the hazards associated with the loss of access panels. This notice also proposes to require that the panels of all turbine powered airplanes operated in air carrier service after a specified date meet these standards. This rulemaking is considered significant because it involves an important crashworthiness safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18526
NPRM Comment Period End	09/17/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18526)

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2120**

RIN: 2120–AC58

1798. + ACCESS TO SECURED AREAS ON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1358; 49 USC 1421; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 107

Legal Deadline: None

Abstract: This notice proposes to require certain airport operators to submit to the Administrator, for approval and inclusion in their approved security programs, a plan for the installation and use of a computer-controlled card system for access to secured areas of the airport. This notice proposes that airport operators submit a plan for a computer-controlled card system according to a schedule based on the number of passengers screened at the airport each year or as designated by the Director of Civil Aviation Security for the first phase of the schedule not withstanding the number of passengers screened annually. The proposal is significant because it is critical to aviation and airport security.

Timetable:

Action	Date	FR Cite
NPRM	03/18/88	53 FR 9094
NPRM Comment Period End	05/02/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/18/88 (53 FR 9094)

Agency Contact: Sharan Sharp, Department of Transportation, Federal Aviation Administration, Office of Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-2947**

RIN: 2120–AC69

1799. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This proposed amendment reorganizes and realigns the general operating and flight rules to make them more understandable and easier to use. Also, several changes are being made to provide more flexibility for certain operations. These changes resulted from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/81 (46 FR 45256)

Additional Information: Docket No. 18334.

Agency Contact: Marion Clemens or Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8150**

RIN: 2120–AA13

1800. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This is Notice 4 of a series of notices issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 9190
NPRM Comment Period End	09/19/88	53 FR 9190

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 03/14/88 (53 FR 9190)

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5117**

RIN: 2120–AA29

1801. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure

the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 12/03/84 (49 FR 47358)

Additional Information: Docket No. 24344

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120–AA47

1802. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	48 FR 45214

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781.

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9683**

RIN: 2120–AA50

1803. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/86 (51 FR 33700)

Additional Information: The FAA is evaluating additional data obtained from NASA.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 426-6930**

RIN: 2120–AA58

1804. NATIONAL AIRSPACE REVIEW (NAR): TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: Would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area," (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5055
ANPRM Comment Period End	06/06/85	50 FR 5055
To be consolidated	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project ATO-200-83-17R (Docket # 24455). To be consolidated in RIN: 2120-AB95.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department

of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9246**

RIN: 2120–AB02

1805. NIGHTTIME VFR WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This proposal will increase the flight visibility and cloud clearance minimums for night operations in uncontrolled airspace. The minimum flight visibility will increase from one mile to three miles.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/23/85 (50 FR 30124)

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 48 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514, 49 USC 106(a), Revised Pub. L. 97-449, January 12, 1983, Regulatory Project ATO-200-83-16R (Docket # 24722)

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9251**

RIN: 2120–AB04

1806. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES, ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Would add a new section, FAR 33.28 to incorporate requirements for electronic controls for aircraft engines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Agency Contact: Cosimo J. Bosco, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 270-2492**

RIN: 2120–AB06

1807. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/87 (52 FR 45578)

Additional Information: Docket 25471

Agency Contact: Bill Boxwell, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2111**

RIN: 2120–AB17

1808. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action contemplates possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No 25213.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2135**

RIN: 2120–AB46

1809. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49

USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project revises Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	06/15/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/86 (51 FR 21488)

Additional Information: The FAA has determined that adoption of this proposal will not result in an economic burden on the public. It is a relieving rule that removes a minimum speed limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5109**

RIN: 2120–AB87

1810. CONTROLLED AIR SPACE DESIGNATIONS IN INTERNATIONAL AIR SPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798
To be consolidated	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/29/85 (50 FR 30798)

Additional Information: Regulatory Project ATO-200-84-19R/ATO-200-84-7R. This action will be consolidated into RIN 2120-AB95.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9246**

RIN: 2120–AB93

1811. IMPROVED STRUCTURAL REQUIREMENTS FOR PRESSURIZED CABINS AND COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: Notice proposes to amend Part 25 of the Federal Aviation Regulations (FAR) to upgrade the structural requirements for transport category airplane pressurized cabins by (1) amending the criteria for evaluation of the secondary effects of openings in the pressure vessel, and (2) extending the area of consideration to include openings anywhere within the pressure vessel. The required opening sizes to be considered would not be changed. The proposal is the result of an FAA review of the pressurized cabin load requirements and is intended to make the pressurized cabin load requirements less design-dependent and more objective. It would require evaluation of openings in any pressurized compartment and examination of the effects of differential pressure loads on any critical structure inside or outside of the pressurized cabin.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8742
Correction to NPRM	05/19/88	53 FR 18022
NPRM Comment Period End	07/14/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/16/88 (53 FR 8742)

Agency Contact: James Haynes, Policy and Procedures Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, **206 431-2113**

RIN: 2120–AC44

1812. FUEL VENTING AND EXHAUST-EMISSION REQUIREMENTS FOR TURBINE-ENGINE POWERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1341(a); 49 USC 106(g)(Revised, PL 97-449, Jan. 12, 1983); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 11; 14 CFR 21; 14 CFR 23; 14 CFR 25; 14 CFR 45; 14 CFR 91; 14 CFR 11, (SFAR 27)

Legal Deadline: None

Abstract: Special Federal Aviation Regulation (SFAR) 27 prescribes standards and test procedures for fuel venting and exhaust emissions for the turbine powered airplanes. This proposal would replace SFAR 27, as amended through SFAR 27-6, with a new Part 34 of the Federal Aviation Regulations which will include all of the standards and test procedures of 40 CFR 87 previously included in SFAR 27. This will codify in a single part all of the applicable requirements of 40 CFR 87, Control of Air Pollution from Aircraft and Aircraft Engines; Emissions Standards and Test Procedures, as amended, December 30, 1982, and insert requirements to comply with Part 34 in the other affected Parts where applicable.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18530
NPRM Comment Period End	06/22/88	

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Action	Date	FR Cite
Final Action	11/22/88	
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/88 (53 FR 18530)

Agency Contact: Nicholas P. Krull, Manager, Air Quality Staff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8933

RIN: 2120–AC62

1813. REALIGNMENT OF RESTRICTED AREAS IN THE EGLIN AFB AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1348(a); EO 10854; 49 USC 106(g)(Revised PL 97-449, January 12, 1983); 14 CFR 11.69; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 1510; 49 USC 1522; 49 USC 2402; 49 USC 2424

CFR Citation: 14 CFR 73; 14 CFR 93

Legal Deadline: None

Abstract: This revision proposes to realign restricted areas in the Eglin AFB area to increase the availability of airspace for civil users. In addition, to include certain portions of the realigned restricted areas, when not active in Section 93.81, Special Air Traffic Rule Airspace.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 517
NPRM Comment Period End	02/19/88	53 FR 517
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/88 (53 FR 517)

Additional Information: Regulatory Project No. ATO-200-87-11P

Agency Contact: Paul Gallant/Wayne Pierce, Air Traffic Control Specialists, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AC63

1814. ● RULES OF PRACTICE: FAA CIVIL PENALTY ASSESSMENT ACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1345(a); 49 USC 1354(c); 49 USC 1374(a); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a); 49 USC 1482(b); 49 USC 1482(c); 49 USC 1484 to 1489; 49 USC 1475; 49 USC APP 1475; 49 USC APP 1655(c)

CFR Citation: 14 CFR 13.15 (Revision); 14 CFR 13.16 (Revision); 14 CFR 13.31 (Revision); 14 CFR 13.201; 14 CFR 13.202; 14 CFR 13.203; 14 CFR 13.204; 14 CFR 13.205; 14 CFR 13.206; 14 CFR 13.207; 14 CFR 13.208; 14 CFR 13.209; 14 CFR 13.210; 14 CFR 13.211; 14 CFR 13.212

Legal Deadline: Other, Statutory, December 30, 1989.
Authority to assess civil penalties and conduct on-the-record hearing terminates 12/30/89; FAA must report to Congress by 06/30/89.

Abstract: This final rule revises the initiation procedures and provides new procedural rules regarding civil penalty assessment actions. The final rule provides procedures for on-the-record hearings required by Congress in civil actions not in excess of $50,000 assessed by the FAA.

Timetable:

Action	Date	FR Cite
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This final rule is in response to congressional amendment of the Federal Aviation Act of 1958 as amended.

Agency Contact: Allan H. Horowitz, Manager, Enforcement Policy Branch, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3137

RIN: 2120–AC74

1815. ● COMMUTER CATEGORY - RESPONSE TO FINAL RULE COMMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would respond to and resolve comments received in response to the final rule, request for comments, which was published January 15, 1987 (52 FR 1806).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Earsa L. Tanksley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SWtion, Washington, DC 20591, 816 426-6930

RIN: 2120–AC77

1816. ● AIRPORT-RELATED PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(a); 49 USC 1401-1406; 49 USC 1421-1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a); 49 USC 1428(b); 49 USC 1428(c); 49 USC 1484-1489; 49 USC APP 1475; 49 USC APP 1655(c); 49 USC 106(g); ...

CFR Citation: 14 CFR 13.1(a); 14 CFR 13.3(a); 14 CFR 13.20(a); 14 CFR 13.3(b)

Legal Deadline: None

Abstract: This final rule revises several applicability sections of Part 13 to include reference to the Airport and Airway Improvement Act of 1982 and the Airport and Airway Safety and Capacity Expansion Act of 1987.

Timetable:

Action	Date	FR Cite
Final Action	08/31/88	53 FR 33782
Correction to Final Action	09/12/88	53 FR 35255
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Comments were invited through September 30, 1988, the date this final rule was effective.

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Agency Contact: Denise Daniels Ross, Attorney, Regulations and Enforcement Div., Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Aveune, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AC78

1817. ● SMOKING ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: Final, Statutory, April 23, 1988.
PL 100-202

Abstract: This rule requires the "no smoking" sign to be turned on at all times on scheduled airline flights, except for flights between the United States and other countries, which are scheduled to be two hours or less in duration. This rule carries out a ban on smoking on such flights mandated by PL 100-202. The rule also makes minor changes in other, related sections of Parts 121 and 135 which affect smoking aboard air carrier aircraft during flights not covered by a total ban. Smoking in lavatories is prohibited on all air carrier flights. By December 31, 1988, aircraft lavatories must have placards which notify passengers that tampering with smoke detectors is prohibited by Federal law. Finally the required passenger briefing must include more detailed instructions on smoking, including all these changes and the new statutory ban on tampering with smoke alarms in aircraft lavatories.

Timetable:

Action	Date	FR Cite
Final Action	04/13/88	53 FR 12358
Final Action Effective	04/23/88	
Correction to Final Rule	04/26/88	53 FR 14888
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/13/88 (53 FR 12358)

Additional Information: Comments on the final rule were invited until May 31, 1988. Any action resulting from comments received will be handled by subsequent notice or amendment.

Agency Contact: Richard Beitel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-8756

RIN: 2120–AC83

1818. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 11/00/88 - 11/00/89.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA63

1819. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 10/00/88 - 10/00/89.

Timetable:

Action	Date	FR Cite
Final Action	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: With regard to the CASA Model C-212, an NPRM was issued May 6, 1988 (53 FR 16289).

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9580

RIN: 2120–AA64

1820. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 11/00/88 - 11/00/89.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA65

1821. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a

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part of an established body of technical requirements to keep those requirements operationally current.

Timetable:

Action	Date	FR Cite
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert G. Burns, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3075**

RIN: 2120–AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1822. + IMPROVED SEAT-SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This amendment upgrades the standards for occupant protection during emergency landing conditions in transport category airplanes by revising the seat restraint requirements and by defining impact injury criteria. These changes are based on research testing and service experience and are intended to increase airplane occupant protection during emergency landing conditions. This rulemaking is significant because it involves important Department policy.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25982
NPRM Comment Period End	01/14/87	
Final Action	05/17/88	53 FR 17640
Final Action Effective	06/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/17/86 (51 FR 25982)

Additional Information: Docket No. 25040

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120–AA88

1823. + POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Legal Deadline: None

Abstract: Action contemplated establishing airmen certification requirements for persons operating powered ultralight aircraft. After further consideration and lack of growth of the industry, the FAA has terminated the contemplated action.

Timetable:

Action	Date	FR Cite
Action terminated	05/06/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Cook, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3844**

RIN: 2120–AB69

1824. + ULTRALIGHT AIRCRAFT REGISTRATION AND MARKING

Significance: Regulatory Program

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421 to 1430; 49 USC 1423; 49 USC 1522; 49 USC 1655(c); 49 USC 1347; 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1432

CFR Citation: 14 CFR 1; 14 CFR 103

Legal Deadline: None

Abstract: This action contemplated establishing registration and marking requirements for powered ultralight aircraft. After further consideration and the lack of growth of the industry, the FAA has terminated the contemplated action.

Timetable:

Action	Date	FR Cite
Action terminated.	05/06/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9541**

RIN: 2120–AC09

1825. ● + IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIOR OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Agency Priority

Legal Authority: 49 USC 1345(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421-1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); 49 CFR 1.47(a)

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: These amendments upgrade the fire safety standards for cabin interior materials in transport category airplanes by establishing refined fire test procedures and apparatus and a new requirement for smoke emission testing. The refined test procedures and apparatus are the result of additional research and fire testing and are intended to improve the reproducibility of test results. The refinement for smoke emission testing is intended to minimize the possibility that emergency egress will be hampered by smoke

obscuration. In addition, the operating rules for air carrier (Part 121) and air taxi (Part 135) operators, which were adopted in the original final rule, are amended to enable additional compliance time to be granted for the few interior components for which timely compliance cannot be achieved.

The FAA findings concerning the requested additional comments on the final flammability criteria are also presented. These amendment actions were considered significant because of public safety factors.

Timetable:

Action	Date	FR Cite
Final Action	08/25/88	53 FR 32567
Final Action Effective	09/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C - 68966, Seattle Washington, DC 98168, **202 431-2114**

RIN: 2120–AB23

1826. + PART 23 AIRWORTHINESS REVIEW – NOTICE NO. 1 (CRASHWORTHINESS)

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This notice proposes changes to the airworthiness standards to enhance cabin safety and occupant protection by raising the level of crashworthiness for new designs of small airplanes type certificated after a certain date. This rulemaking is considered significant because it involves important cabin-safety and crashworthiness issues.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44878
NPRM Comment Period End	06/12/87	
Final Action	08/15/88	53 FR 30802
Correction to Final Action	09/02/88	53 FR 34194
Final Action Effective	09/14/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/12/86 (51 FR 44878)

Additional Information: This notice is the first of several planned notices resulting from a regulatory review of Part 23 conducted in late 1984.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 426-6930**

RIN: 2120–AC16

1827. + TRANSPONDER WITH AUTOMATIC ALTITUDE REPORTING CAPABILITY REQUIREMENT

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, June 30, 1988.

Abstract: This rulemaking requires a transponder and automatic altitude reporting equipment in terminal airspace of certain airports where air traffic control radar service is provided. Implementation will be in two phases: Phase I, effective June 1, 1989, requires a transponder with Mode C at and above 10,000 feet MSL, and within 30 miles of TCA primary airports. Balloons, gliders, and aircraft without an electrical system are excluded when operating outside a TCA below the altitude of the TCA ceiling and when operating between 10,000 and 18,000 feet MSL. Phase II, effective December 30, 1990, implements a transponder with Mode C requirement in and above the airspace of an ARSA up to 10,000 feet. This rulemaking was significant because of substantial public interest and statutory requirement.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4306
Comment period extended to 05/12/88	03/24/88	53 FR 9758
NPRM Comment Period End	03/28/88	53 FR 4306
Final Action	06/21/88	53 FR 23356
Correction To Final Rule	07/01/88	53 FR 25050
Correction to Final Rule	07/14/88	53 FR 26592
Final Action Effective	07/21/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/21/88 (53 FR 23356)

Additional Information: Legal Authority Cont: EO 11514 49 USC 106(g) (Revised Pub L 97-449, January 12, 1983) Regulatory Project No. ATO-200-87-18R Rulemaking to amend the base of the Continental Control Area (RIN 2120-AC64) has been combined into this rulemaking. Contemplated action in RIN AC52 has also been subsumed in this rulemaking action. This aspect is separated from other proposals in Notice 88-2; the issue of the U.S. control area proposal will be addressed outside the framework of this final rule.

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9245**

RIN: 2120–AC66

1828. + SPECIAL FLIGHT RULES IN THE VICINITY OF THE GRAND CANYON NATIONAL PARK

Significance: Agency Priority

Legal Authority: PL 100-91; 49 USC 1348

CFR Citation: 14 CFR 91; 14 CFR 135

Legal Deadline: Final, Statutory, May 27, 1988.
PL 100-91 requires a final rule within 90 days of the date DOI submitted recommendations to the FAA, or by 3/28/88. However, if the recommendations would have adverse impacts on aviation

Abstract: PL 100-91, signed on August 18, 1987, required the Department of Interior to submit recommendations to the FAA for regulation of aircraft overflight of the Grand Canyon. DOI submitted its recommendations to FAA on December 29, 1987. The law further requires that FAA adopt regulations

which implement the DOI recommendations. This rulemaking fulfills that requirement. This rule is significant because of the direct effect on programs of the National Park Service, Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	03/04/88	53 FR 7096
NPRM Comment Period End	03/25/88	
Final Action	06/02/88	53 FR 20264
Correction to Final Rule	06/13/88	53 FR 21986
Correction to Final Rule	08/26/88	53 FR 32603
Final Action Effective	09/22/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Environmental Assessment 06/02/88 (53 FR 20264)

Agency Contact: David L. Bennett, Manager, Airspace and Traffic Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AC70

1829. ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None

Abstract: This amendment changes Parts 1, 27, 29, and 33 in the area of propulsion system requirements. New rules or changes to rules are included in the area of engine ratings, detailed combustion heater requirements, lightning protection, system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period End	03/26/85	
Final Action	09/02/88	53 FR 34198
Final Action Effective	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/27/84 (49 FR 46670)

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5123

RIN: 2120–AA28

1830. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This rule reorganizes and realigns the noise standards to make them more understandable and easier to use. Other improvements are deleting redundancies, obsolete compliance dates, and other minor changes.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 4172
NPRM Comment Period End	04/24/85	
Final Action	05/06/88	53 FR 16360
Final Action Effective	05/06/88	
Correction to final rule	05/25/88	53 FR 18835
Correction to final rule	05/25/88	53 FR 18949

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Environmental Assessment 01/29/85 (50 FR 4172); Regulatory Evaluation 01/29/85 (50 FR 4172)

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AA74

1831. TERMINAL CONTROL AREA (TCA) SAN DIEGO (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510

CFR Citation: 49 CFR 71

Legal Deadline: None

Abstract: Terminal Control Areas (TCA) reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. This rule implements changes considered necessary safety enhancements for the San Diego TCA.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7448
NPRM Comment Period End	05/05/86	
Final Action	02/08/88	53 FR 3714
Final Action Effective	03/10/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/04/86 (51 FR 7448)

Agency Contact: Joe Gill, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120–AB98

1832. PART 150 - AIRPORT NOISE-COMPATIBILITY PLANNING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 49 USC 2101 to 2104(b); 49 USC 1.47(r1); 49 USC 2201 et seq.

CFR Citation: 14 CFR 150

Legal Deadline: None

Abstract: Part 150 of the Federal Aviation Regulations prescribes requirements for airport operators who voluntarily choose to submit compatibility planning programs to the FAA. Operators of airports whose maps

and programs have been accepted by the FAA as meeting the Part 150 standards are then eligible to apply for funding noise-control projects under the Airport Improvement Program and are further afforded certain legal rights under the law. The rule extends coverage to free-standing public-use heliports.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/86	51 FR 40037
ANPRM Comment Period End	02/03/87	
Final Action	03/16/88	53 FR 8722
Final Action Effective	03/16/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 11/04/86 (51 FR 40037); Environmental Assessment 03/16/88 (53 FR 8722)

Agency Contact: Robert B. Hixson, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3565

RIN: 2120–AC19

1833. PART 99: AIR DEFENSE IDENTIFICATION ZONES AND MISCELLANEOUS EDITORIAL REVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: Amendment No. 99-13 amends, without prior notice, Part 99 of the FAR by changing the lateral boundaries of the Air Defense Identification Zones (ADIZ) around the continental U.S., Alaska, and Guam. Additionally, this amendment makes editorial changes and deletes references to Distant Early Warning Identification Zones (DEWIZ), Domestic ADIZ, and Coastal ADIZ.

Timetable:

Action	Date	FR Cite
Final Action	05/20/88	53 FR 18216
Final Action Effective	06/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project ATO-200-86-20P (Docket #25113). Comments were requested by August 15, 1988.

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AC37

1834. ALTERNATE AIRPORT WEATHER MINIMUM

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514

CFR Citation: 14 CFR 91.83(c)

Legal Deadline: None

Abstract: This action would revise Section 91.83(c)(1) of the Federal Aviation Regulations to include words that "any airport may be designated as an alternate airport if the forecast weather conditions will permit descent from the minimum en route altitude, approach, and landing under basic visual flight rules."

Timetable:

Action	Date	FR Cite
Consolidated into RIN AC56	08/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No ATO-200-87-6P (Docket #25213). Consolidated in RIN: 2120-AC56.

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC41

1835. MANDATORY REPORTING FOR EMERGENCY EVACUATION SYSTEMS AND COMPONENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; ...

CFR Citation: 14 CFR 121.703(a)

Legal Deadline: None

Abstract: This action amends the mechanical reliability reporting requirement contained in Part 121 to require certificate holders to report each failure, malfunction, or defect of emergency evacuation systems and components. This action is necessary to collect, record, analyze, and disseminate data concerning those failures, malfunctions, or defects that occur during training, testing, or actual emergency conditions to improve the levels of reliability and safety.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20982
NPRM Comment Period End	08/03/87	
Final Action	03/16/88	53 FR 8726
Final Action Effective	04/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Int'l Trade Impact Assessment 03/16/88 (53 FR 8726)

Agency Contact: George Johnson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3798

RIN: 2120–AC49

1836. NATIONAL AIRSPACE REVIEW RECOMMENDATION - OPERATIONS IN THE VICINITY OF AN AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1401; 49 USC 1421 to 1431; 49 USC

1452 to 1455; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.85; 14 CFR 91.87; 14 CFR 91.89

Legal Deadline: None

Abstract: This action would reorganize Sections 91.85, and 91.89 into two sections: a general section concerning aircraft turns and traffic flows, and another section dealing with rules at airports with control towers. Certain current provisions would be deleted. This issue was consolidated into RIN=2120-AB95 on 07/01/88.

Timetable:

Action	Date	FR Cite
Consolidated into RIN: 2120-AB95	07/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub. L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-14R

This issue was incorporated in RIN=2120-AB95.

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC57

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

1837. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980. This rulemaking action is considered significant because of the public interest in the issue being considered.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
SANPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/00/89

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule. After analyzing comments received to the 6/18/86 ANPRM, the FHWA has decided to issue a supplemental ANPRM in order to further explore the issues.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB65

1838. REVIEW AND PREEMPTION OF STATE MOTOR-CARRIER SAFETY REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC App. 2507; 49 USC App. 2508

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 394; 49 CFR 395; 49 CFR 396; 49 CFR 397; 49 CFR 398; 49 CFR 399

Legal Deadline: None

Abstract: Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. Based on the determination of the Safety Panel, the Secretary is to initiate a rulemaking proceeding to determine if such a law or regulation may remain in effect and enforced. This advance notice of proposed rulemaking is the initial rulemaking action for any possible preemptive action by the Secretary. It will contain alternatives for comment on ways the Secretary may satisfy the requirements of section 208 of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/88	
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC11

1839. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; PAPERWORK BURDENS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2503

CFR Citation: 49 CFR 350 to 399

Legal Deadline: None

Abstract: By this rulemaking, the FHWA will be considering ways to reduce paperwork burdens imposed on

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Prerule Stage

motor carriers subject to the requirements of the Federal Motor Carrier Safety Regulations (49 CFR 350-399). Changes are being considered in accordance with the requirements of the Paperwork Reduction Reauthorization Act of 1986. This Act requires the agencies to set goals to reduce the paperwork burden imposed on motor carriers by 20 percent by September 30, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/88	
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Additional Information: A 90-day comment period will be provided for the ANPRM.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC04

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1840. + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is requesting information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA) as amended.

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AB70

1841. + TRUCK SIZE AND WEIGHT; SPECIAL PERMITS

Significance: Regulatory Program

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking action will delete language pertaining to the issuance of special permits in section 658.17 and will request that States identify grandfather rights claimed for single and tandem axle weight, gross weight, alternate bridge formula and special permit authority. The weights identified as having been determined by the States will be recognized as grandfather rights.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4032

RIN: 2125–AB80

1842. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to States and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35178)

Additional Information: ADDITIONAL AGENCY CONTACT: Jocelyn Karp (202) 366-4063.

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125–AB10

1843. + PRIVATE CARRIAGE OF PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

DOT—FHWA **Proposed Rule Stage**

CFR Citation: 49 CFR 383; 49 CFR 390 to 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is considering proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/00/89

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB62

1844. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	01/29/81	46 FR 9642
SNPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/00/88

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA19

1845. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACTS; EQUAL OPPORTUNITY COMPLIANCE REVIEW; PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB08

1846. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
SNPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB15

1847. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

DOT—FHWA

Proposed Rule Stage

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315; PL 100-17, Sec 117(e)

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. This action will revise existing regulations and implement section 117 (e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17). Section 117 (e) allows a State to contribute more State and/or local funds to a Federal-aid project under the minimum required by Title 23 of the United States Code.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125–AB18

1848. ADMINISTRATION OF CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; PL 100-17, Sec 111(b)

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted. This rulemaking action will also address the changes to the selection procedures as required by section 111(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Additional Information: A 60-day comment period will be provided.

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AB30

1849. LABOR AND EMPLOYMENT

Significance: Nonsignificant

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the inclusion of State prevailing wage rates which are higher than those determined by the Department of Labor in Federal-aid contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39137
NPRM Comment Period End	11/12/85	50 FR 39137
NPRM Supplemental	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 30137)

Additional Information: Upon further review, the FHWA has determined to issue a supplemental NPRM.

Agency Contact: Kathy Markman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0780

RIN: 2125–AB37

1850. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/00/89

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB58

1851. PROPERTY MANAGEMENT, DISPOSALS AND AIRSPACE

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None

Abstract: The FHWA intends to issue an NPRM proposing to update its regulations on property management, disposal and airspace relative to the Federal-aid highway program. This rulemaking action will reflect current departmental decisions and policies as well as recent legislative mandates.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/00/89

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB60

1852. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; REVISION OF UNIFORM TRAFFIC CONTROL DEVICES; PASSING AND NO-PASSING ZONE STANDARDS

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA is considering issuing a NPRM in response to a petition filed by the Center for Auto Safety (CAS) to revise no-passing zone standards. If adopted, the revised standards could be incorporated into the Manual On Uniform Traffic Control Devices (MUTCD).

Timetable:

Action	Date	FR Cite
ANPRM	06/11/86	51 FR 21180
ANPRM Comment Period End	07/20/87	51 FR 21180

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: FHWA Docket # 86-11 has been assigned to this rulemaking.

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0411

RIN: 2125–AB84

1853. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	02/01/88	53 FR 42

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB91

1854. ADVANCE CONSTRUCTION OF FEDERAL-AID PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320; PL 100-17, Sec 113

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: The FHWA is revising its regulations relating to the advance construction of Federal-aid highway projects. The revisions incorporate new provisions mandated by section 113 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). The procedures allow States to advance the construction of Federal-aid highway projects without requiring that Federal funds be obligated at the time the FHWA approves the project.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2853

RIN: 2125–AC07

1855. CONSTRUCTION ENGINEERING COSTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 114(a); 23 USC 115(b); 23 USC 120 to 122; 23 USC 315; PL 95-599, Sec 115(c); PL 100-17, Sec 114

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: This rulemaking document will implement provisions mandated by section 114 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 114 revised 23 USC 121(d) by eliminating the 10-percent limitation on Construction Engineering (CE) costs and increasing the limitation to 15 percent of actual costs of construction excluding costs of right-of-way, preliminary engineering and CE.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2853

RIN: 2125–AC09

1856. ● ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and updating the content. This action will also implement sections 126 and 146

(airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Agency Contact: Douglas Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AC17

1857. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 12/00/88

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2184

RIN: 2125–AA37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Final Rule Stage

1858. + CONTROLLED SUBSTANCES

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 23 USC 315; 49 USC 104; 49 USC App 2505

CFR Citation: 49 CFR 382

Legal Deadline: None

Abstract: The FHWA is requesting comments on a proposal which would mandate chemical testing of interstate drivers of commercial motor vehicles for the use of drugs. The impetus for this action is the safety and health concern associated with the use of drugs by these personnel. The goal of the proposed rule is to reduce accidents and casualties that result from the use of drugs. This NPRM was preceded by two drug rulemaking actions which were published in the Federal Register on 5/13/86 (BMCS Docket No. MC-116, Amendment No. 83-17, 51 FR 17568; BMCS Docket No. MC-120, Notice No. 86-3, 51 FR 17572). The latter of those actions proposed a drug test plan (much less comprehensive than proposed here) for drivers of hazardous materials. The former requested comments on specific questions regarding the various aspects of a drug control program applicable to interstate drivers. The intent of this NPRM is to consolidate the subject matter of the previous actions and propose a comprehensive drug control program applicable to all drivers in interstate commerce. Because the impact of this proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM	05/13/86	51 FR 17568
ANPRM Comment Period End	08/11/86	51 FR 17568
NPRM	06/14/88	53 FR 22268
Supplemental Notice of Public Hearings	07/06/88	53 FR 25353
NPRM Comment Period End	09/12/88	53 FR 22268
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: will result in an annual effect on the economy of over $100 million, this action is considered major under Executive Order 12291. This NPRM proposes a comprehensive drug testing program that incorporates a DOT modal approach to creating a drug-free transportation environment. A notice of public hearings was published on 7/6/88 at 53 FR 25353. Information obtained in the course of the public hearings will be used in the preparation of the final rule.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA79

1859. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	
NPRM	02/26/87	52 FR 5913

DOT—FHWA **Final Rule Stage**

Action	Date	FR Cite
SNPRM Comment Period extended to 06/29/87	04/27/87	52 FR 13853
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5913)

Additional Information: The NPRM proposed revisions after taking into account the public comments received to the ANPRM (01/10/85), 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made to it is the subject of a separate rulemaking action. See Final Rule Stage, RIN 2125-AB45.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB34

1860. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to DOT jurisdiction.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	02/26/87	52 FR 5892
SNPRM Comment Period extended to 06/29/87	04/27/87	52 FR 13853
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5892)

Additional Information: For the rulemaking action specifically addressing 49 CFR 393.42 (Front Wheel Brakes), see the entry entitled "Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes," in 52 FR 2801 (01/27/87).

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB45

1861. + SAFETY FITNESS PROCEDURES

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments were requested regarding the proposed changes in the current safety rating procedures and a new proposal for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23088
NPRM Comment Period End	08/11/86	51 FR 23088
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 06/25/86 (51 FR 23088)

Agency Contact: Gerald J. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2698

RIN: 2125–AB46

1862. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d); PL 99-591, Sec 324

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Upon further review, the FHWA has determined that no rulemaking action is required at this time. This rulemaking action will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940
ANPRM Supplemental	02/28/86	51 FR 7085
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/88

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB48

1863. + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) was considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. After reviewing the public comments received to the ANPRM published on January 23, 1985 (50 FR 2998), the FHWA has decided that no revisions to this Part are warranted at this time. This part will be considered reissued pursuant to the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	04/22/85	50 FR 2998
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB50

1864. + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: None

Abstract: The FHWA had considered revising Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) in accordance with section 206 of the Motor Carrier Safety Act of 1984. After reviewing the comments received in response to the ANPRM published on January 23, 1985 (50 FR 2998), FHWA has decided not to make further revisions to Part 392 at this time. This Part will be considered reissued as currently written pursuant to the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	04/22/85	50 FR 2998
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB51

1865. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; BOAT TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 23 USC 2311(d); PL 100-17, Sec 133

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: FHWA sought comments on a request to designate boat transporters as specialized equipment under provision of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Of prime concern were comments and information on the following issues relating to boat transporters: maneuvering characteristics, safety, control, offtracking, crosswind effects, and the need for overall length limits on boat transporters. Information on the similarities and dissimilarities between boat transporters and auto transporters was also solicited, as well as information on the consistency of truck configurations used for hauling boats. Comments were requested regarding the need to preempt current State regulation of this vehicle, as well as an actual definition and description of boat transporters, and on the types of vehicles that should be considered as specialized equipment as well as an actual definition.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/86	51 FR 10234
ANPRM Comment Period End	05/09/86	51 FR 10234
NPRM	01/29/88	53 FR 2602
NPRM Comment Period End	04/18/88	53 FR 2602
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 01/29/88 (53 FR 2602)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB55

1866. + QUALIFICATION OF DRIVERS; HAZARDOUS MATERIALS DRIVERS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: The notice of proposed rulemaking published on 5/13/86 (51 FR 17572) which proposed to establish stricter driver qualification rules for drivers of vehicles containing certain classes of hazardous materials will be withdrawn. Certain rulemaking actions mandated by the Commercial Motor Vehicle Safety Act of 1986 will supersede this action. The subject matter of this rulemaking regarding training will be addressed by RSPA in subsequent rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17572
NPRM Comment Period End	08/11/86	51 FR 17572
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 05/13/86 (51 FR 17572)

Agency Contact: Jill Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh

DOT—FHWA **Final Rule Stage**

St., SW, Washington, DC 20590, 202 366-4009

RIN: 2125–AB64

1867. + COMMERCIAL DRIVER TEST AND LICENSING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102; PL 99-570, Sec 12005; PL 99-570, Sec 12006; PL 99-570, Sec 12009

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Final, Statutory, July 15, 1988.

Abstract: Sections 12005 and 12006 of Pub. L. 99-570 require certain requirements to be in place by July 15, 1988 regarding minimum Federal standards which States must use for testing and licensing commercial motor vehicle drivers. FHWA issued a NPRM on December 11, 1987 proposing the standards. Included in the proposal are requirements placed on the State in section 12009 pertaining to a check with the information system before issuing a license. This rulemaking action is considered significant because of the substantial public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/86	51 FR 27567
ANPRM Comment Period End	11/05/86	51 FR 35538
NPRM	12/11/87	52 FR 47326
NPRM Comment Period End	02/09/88	52 FR 47326
Final Action	07/21/88	53 FR 27628

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/11/87 (52 FR 47326)

Additional Information: Final action was effective 08/22/88, except 04/01/92 for Sec 383.23. Comments received are being analyzed and will be addressed by separate action.

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AB68

1868. + BLOOD ALCOHOL CONCENTRATION STANDARD FOR COMMERCIAL VEHICLE OPERATORS

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12008; 49 USC App. 2505; 49 USC 3102

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Final, Statutory, October 27, 1988.

Abstract: In response to Section 12008 of the Commercial Motor Vehicle Safety Act of 1986, the FHWA requested comments on the establishment of a commercial driver blood alcohol concentration (BAC) standard for "driving under the influence." Also in response to Section 12008 of the Act, the National Academy of Sciences (NAS) conducted a study on the appropriateness of selecting one of several alternative BAC levels as the level at which a person operating a commercial motor vehicle would be deemed to be driving under the influence of alcohol. Based on the results of the study and the rulemaking comments, the Secretary of Transportation must promulgate a commercial driver BAC standard. States would be required to enact laws providing that any driver who operates a commercial motor vehicle at the Federal BAC level or above it is deemed to be driving under the influence of alcohol. States not enacting a BAC-level law for commercial motor vehicle drivers risk the loss of Federal-aid highway funds. The comments received were available to the NAS and served as the docket comments, along with the NAS study for the Notice of Proposed Rulemaking issued on May 10, 1988.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9192
ANPRM Comment Period End	05/22/87	
NPRM	05/10/88	53 FR 16656
Correction to NPRM	06/02/88	53 FR 20147
NPRM Comment Period End	06/29/88	53 FR 16656
Final Action	10/03/88	
Final Action Effective	10/27/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 05/10/88 (53 FR 16656)

Additional Information: If the Secretary does not promulgate a Federal standard by October 27, 1988, the BAC standard shall be deemed to be 0.04 percent.

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AB79

1869. + UNIFORM RELOCATION ACT AMENDMENTS OF 1987; GENERAL

Significance: Agency Priority

Legal Authority: 42 USC 4601 et seq; PL 100-17, Sec 4

CFR Citation: 49 CFR 24

Legal Deadline: Final, Statutory, April 2, 1989.
A final rule must be promulgated by 4/2/89.

Abstract: This rulemaking action addresses the implementation of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132 (STURAA). Title IV of STURAA amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. sections 4601 to 4655 (1982). Title IV establishes: a lead agency (FHWA) to insure consistent Federal implementation; an increase in the maximum monetary benefits that can be provided to persons forced to relocate by Federal or federally assisted projects; an expansion of the Uniform Act's coverage to insure more types of displacing activities; and an allowance for a State certification program. This rulemaking action is considered significant because of substantial public interest involved.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27598
Notice of Public Meetings	07/27/88	53 FR 28239
Correction to NPRM	08/01/88	53 FR 28995
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

DOT—FHWA

Final Rule Stage

Analysis: Regulatory Evaluation 07/21/88 (53 FR 27598)

Agency Contact: Robert Moore, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0116

RIN: 2125–AB85

1870. + DRIVER'S RECORD OF DUTY STATUS; ONBOARD RECORDING DEVICES

Significance: Agency Priority

Legal Authority: 49 USC App 2505; 49 USC 3102

CFR Citation: 49 CFR 395

Legal Deadline: None

Abstract: The FHWA has initiated rulemaking to address the use of onboard recording devices in motor vehicles operating in interstate commerce. This action is being taken in response to a petition filed by the Insurance Institute for Highway Safety (IIHS) on 2/25/87. The original IIHS petition (10/86) requested that the FHWA require motor carriers to use onboard recording devices for recording the driver's hours of service. This rulemaking is considered significant because of the substantial public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/87	52 FR 26289
ANPRM Comment Period End	10/13/87	52 FR 26289
NPRM	03/14/88	53 FR 8228
NPRM Comment Period End	04/13/88	53 FR 8228
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 03/14/88 (53 FR 8228)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB95

1871. + CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 315; PL 100-17, Sec 174

CFR Citation: 23 CFR 659

Legal Deadline: None

Abstract: The FHWA and the National Highway Traffic Safety Administration (NHTSA) are amending the regulations on certification of speed limit enforcement in order to streamline the sanction process and to take into account the provisions mandated by section 174 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 174 of STURAA amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 miles per hour (mph) on certain Interstate System highways. A notice of proposed rulemaking will be issued proposing revisions to the sanction process contained in 23 CFR Part 659. A separate final rulemaking action has been issued in order to provide the States the authority to adjust the speed sampling and analysis plan required for determining the level of 55 mph noncompliance.

Timetable:

Action	Date	FR Cite
Final Action Adjusting Sampling Plans	08/03/87	52 FR 28691
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	53 FR 7943
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7943)

Additional Information: This rulemaking action, as well as the final rule on sampling plans (Supplemental), are considered significant because of the substantial public interest involved.

Agency Contact: Sheldon G. Strickland, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1993

RIN: 2125–AC00

1872. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This revision will update and simplify existing Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA18

1873. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA27

1874. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None

Abstract: The FHWA had considered a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. However, after further review it has been determined that no further action by the FHWA is needed in this area. Therefore, the 11/18/82 ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA36

1875. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; PL 97-424, Sec 129

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This revision was intended to expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action was also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AA87

1876. PAVEMENT POLICY FOR HIGHWAYS

Significance: Nonsignificant

Legal Authority: 23 USC 109(a) to 109(c); 23 USC 315; 23 USC 101(e); 23 USC 402

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO has approved a new Pavement Design Guide. FHWA will solicit public comment on the revised guide and adopt it for application on Federal-aid projects as a guide, not standard. It will be acceptable for State highway agencies to design pavement structures based upon other procedures and practices that by past performance have proven satisfactory for the pertinent conditions. If a State highway agency elects to use procedures other than AASHTO's, the procedures will require FHWA approval. The FHWA will check or review pavement design in accordance with procedures approved by the State highway agency. Each State highway agency will be required to have a pavement management system.

Timetable:

Action	Date	FR Cite
NPRM	01/26/88	53 FR 2041
Comment Period Extended to 05/27/88	04/11/88	53 FR 11875
SNPRM	04/11/88	53 FR 11875
NPRM Comment Period End	04/25/88	53 FR 2041
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 01/26/88 (53 FR 2041)

Additional Information: Register notice was published on 04/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Agency Contact: Norman Van Ness, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1324

RIN: 2125–AA88

1877. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed rule was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	10/00/88	

Small Entities Affected: None

DOT—FHWA

Final Rule Stage

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 01/18/85 (50 FR 2694)

Agency Contact: Philip L. Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125–AB05

1878. STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINAIRES AND TRAFFIC SIGNALS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: In May, 1985, the American Association of State Highway and Transportation Officials (AASHTO) approved its publication entitled "Standard Specification for Structural Supports for Highway Signs, Luminaires, and Traffic Signals," which is incorporated in 23 CFR 625 as a specification. FHWA proposed to adopt the AASHTO publication for Federal-aid application. An interim final rule adopted all of the 1985 AASHTO sign and luminaires specifications except section 7, Breakaway Supports. The SNPRM contained the results of FHWA's crash testing of previously accepted luminaire support systems and opened the docket for further comments.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40817
NPRM Comment Period End	05/11/87	51 FR 40817
Interim Final Rule	09/28/87	52 FR 32645
SNPRM	12/14/87	52 FR 47403
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 12/14/87 (52 FR 47403)

Agency Contact: James H. Hatton, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1329

RIN: 2125–AB56

1879. CONSTRUCTION AND MAINTENANCE; CONTRACT PROCEDURES; STANDARDIZED CONTRACT CLAUSES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 117; 23 USC 315; PL 100-17, Sec 111(c)

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The FHWA is amending its regulations on contract procedures to implement the provisions of Section 111(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 111(c) of STURAA amends 23 USC 112 to require a standardized contract clause in all Federal-aid contracts unless otherwise provided for by State law. The standardized contract clause is to provide for the equitable adjustment of contract terms: (1) where site conditions differ from those specified in the contract; (2) where work has been suspended by order of the contracting agency (other than a suspension of work caused by the fault of the contractor or by weather); and (3) where there are material changes in the scope of the work.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	52 FR 45645
NPRM Comment Period End	02/01/88	52 FR 45645
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 12/01/87 (52 FR 45645)

Agency Contact: William A. Weseman, Chief, Construction and Maint. Division, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AB87

1880. TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; IOWA AND SOUTH CAROLINA

Significance: Nonsignificant

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313; 49 USC App 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is proposing to modify the National Network for commercial motor vehicles by deleting certain routes in Iowa and South Carolina. The National Network was established by the final rule on Truck Size and Weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18859
NPRM Comment Period End	07/25/88	53 FR 18859
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 05/25/88 (53 FR 18859)

Agency Contact: Mr. Richard A. Torbik, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0233

RIN: 2125–AC10

1881. ● CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT/DECLARATION REQUIREMENT

Significance: Nonsignificant

Legal Authority: 23 USC 112-114; 23 USC 117; 23 USC 128; 23 USC 315; 31 USC 6506; 42 USC 3334; 42 USC 4601 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is revising its regulations on contract procedures regarding advertising for bids. The revised regulation provides the State highway agencies (SHA's) with the option to permit all bidders on a Federal-aid highway project to submit an unsworn noncollusion declaration, under penalty of prejury under the laws of the United States, as an alternative

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to the sworn noncollusion affidavit requirement of the existing regulation.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (minimal Impact) 10/00/88

Additional Information: Since the revisions are minor administrative adjustments and require no change to FHWA procedures, this document will be issued without a public comment period.

Agency Contact: William A. Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AC16

1882. ● ENVIRONMENTAL IMPACT AND RELATED PROCEDURES; CONSTRUCTIVE USE

Significance: Nonsignificant

Legal Authority: 23 USC 315; 49 USC 303

CFR Citation: 23 CFR 771

Legal Deadline: None

Abstract: The need for rulemaking in this area has been caused by recent court decisions. The courts have delayed or halted several important Federal-aid highway projects on the grounds that the proximate effects or impacts from a given highway would constructively use land from a park or historic site. In each instance the FHWA had determined that there existed no constructive use. This determination was based on an analysis of proximity impacts and whether the impacts would substantially impair the functions or values which qualified the property for protection under Section 4(f) of the DOT Act. The FHWA has been operating under an informal policy directive on constructive use since 11/12/85. This rulemaking action would formalize existing policy on constructive use, and future court decisions would address the regulation rather than be based on ad hoc interpretations of specific project facts.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 12/00/88

Agency Contact: Harter M. Rupert, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4093

RIN: 2125–AC18

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1883. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking action addressed the general provisions regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking was undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. The revisions will assist the various segments of the truck and bus industries in their efforts to comply with the FMCSR by (1) incorporating definitions from the Motor Carrier Safety Act of 1984; (2) clarifying and updating the regulations; (3) eliminating redundancy; (4) combining and locating in a single place the definitions of many general items presently located throughout the FMCSR; and (5) addressing comments concerning the elimination of certain regulatory exemptions.

Timetable:

Action	Date	FR Cite
ANPRM Fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2998
Fertilizer ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	07/13/87	52 FR 26278
NPRM Comment Period End	09/11/87	52 FR 26278
Final Action	05/19/88	53 FR 18042
Correction to Final Rule	07/22/88	53 FR 27688
Final Action Effective	11/15/88	53 FR 18042

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 05/19/87 (53 FR 18042)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA34

1884. + SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; PL 97-424, Sec 414

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, April 2, 1988.

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. This rulemaking was considered significant because of its economic impact on the motor carrier

industry. Section 205 of the Surface Transportation Assistance Act of 1987 (P.L. 100-17) established a deadline of 4/2/88 for final action unless the Secretary determines that insufficient technology exists upon which to base a final rule. On 5/25/88, the FHWA determined that insufficient technology existed upon which to base a final rule. A termination notice was published.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
Comment Period Extended	06/11/85	50 FR 24549
NPRM Comment Period End	08/12/85	50 FR 24549
Withdrawn	05/25/88	53 FR 18860

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Regulatory Evaluation 05/25/88 (53 FR 18860)

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA84

1885. + TRUCK SIZE AND WEIGHT; TANDEM TRUCK SAFETY ACT

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA has provided a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet was the subject of a separate rulemaking action finalized at 52 FR 35064 (09/17/87).

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37970
NPRM Comment Period End	11/04/85	50 FR 37970
Final Action	04/13/88	53 FR 12145
Final Action Effective	04/13/88	53 FR 12145

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/13/88 (53 FR 12145)

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Agency Contact: C. John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4032

RIN: 2125–AB28

1886. + SEMITRAILER-SEMITRAILER; B-TRAIN

Significance: Regulatory Program

Legal Authority: 23 USC 325; PL 97-424, Sec 411; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: FHWA has interpreted 23 CFR 658.13 so that a combination of vehicles described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for purposes of 23 CFR 658. It is FHWA's intent to implement the Surface Transportation Assistance Act of 1982 so that all configurations that offer safety and productivity advantages will be recognized under the regulations. This action is significant because of industry interest and that of the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
NPRM Extended comment period to 03/14/88	01/29/88	53 FR 2603
Final Action	07/07/88	53 FR 25484
Final Action Effective	07/07/88	53 FR 25484

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 07/07/88 (53 FR 25484)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB66

1887. RAILROAD-HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Legal Deadline: None

Abstract: The FHWA has amended its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The amendment incorporated and clarified existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period End	04/22/85	
Final Action	08/24/88	53 FR 32215
Final Action Effective	10/24/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 08/24/88 (53 FR 32215)

Additional Information: Upon further review, it was determined that a supplemental NPRM was not necessary.

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125–AB25

1888. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; RESTRUCTURE

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA considered the need for a new Manual on Uniform Traffic Control Devices (MUTCD) and a new format. The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. Upon further review the FHWA determined that no action was necessary at this time. A termination of rulemaking and closing of docket was published on 1/6/88.

Timetable:

Action	Date	FR Cite
ANPRM	06/09/86	51 FR 20840
ANPRM Extended Comment period to 09/01/87	04/09/87	52 FR 11502
ANPRM Comment Period End	07/20/87	51 FR 20840
Action withdrawn	01/06/88	53 FR 236

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: FHWA Docket No. 86-12.

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2184

RIN: 2125–AB57

1889. REIMBURSEMENT FOR RAILROAD WORK

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(d); 23 USC 130; 23 USC 315

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: The FHWA amended its regulation on reimbursement for railroad work to allow Federal-aid highway funds to be used to pay for various overhead and indirect construction costs incurred by railroad forces accomplishing work on Federal-aid highway projects.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 44996
NPRM Comment Period End	02/17/87	51 FR 44996
Final Action	05/23/88	53 FR 18275
Final Action Effective	05/23/88	53 FR 18275

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/23/88 (53 FR 18275)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125–AB59

1890. NATIONAL BRIDGE INSPECTION STANDARDS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 116(d); 12 USC 144; 23 USC 315

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: These revisions to the bridge inspection standards will retain the existing 2-year frequency as the basic requirement. The States will also be expected to inspect some bridges more often than once every two years when the condition, age, load capacity, or monitoring is needed. However, for certain types or groups of bridges the States would be permitted, under the proposed revisions, to request FHWA approval for appropriate inspection intervals that are longer than the basic 2-year interval. The modified inspection interval can be appropriate for groups of relatively new structures in good condition, which have safe laod capacities at least equal to the State legal load, in low traffic volume areas, with proven performance histories, provided that the inspection plan is approved by the FHWA.

Timetable:

Action	Date	FR Cite
NPRM	04/07/87	52 FR 11092
Notice Extension of public comments	06/03/87	52 FR 20726
NPRM Comment Period End	07/09/87	52 FR 20726
Final Action	08/26/88	53 FR 32611
Final Action Effective	10/25/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 04/07/87 (52 FR 11092)

Additional Information: This action was formerly entitled National Bridge Inspection Standards; Frequency of Inspection and Inventory.

Agency Contact: John J. Ahlskog, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4617

RIN: 2125–AB71

1891. CARGO PREFERENCE

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 114; 23 USC 315; 23 USC 113; 23 USC 128; 31 USC 6506; 42 USC 3334; 42 USC 4602 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) was incorporating into its regulations the cargo preference requirements as mandated by the Cargo Preference Act of 1954 (Act) and its implementing regulations (46 CFR 381) developed by the Maritime Administration (MARAD). On 2/2/88, the Department of Justice made a legal determination that Cargo Preference was not authorized to be imposed on Federal-aid highway projects. Therefore, this action was terminated on 2/2/88.

Timetable:

Action	Date	FR Cite
Action Terminated.	02/02/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AB73

1892. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; ENVIRONMENTAL RESTORATION

Significance: Nonsignificant

Legal Authority: 49 USC 10927 note

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA issued a final rule to redefine "environmental restoration" as that term is used in FHWA's financial responsibility regulations. This action was taken in response to a joint petition filed by the American Insurance Association (AIA) and the American Trucking Associations (ATA), and because of the current insurance crisis facing the motor carrier industry. This action made clear the motor carriers are required to provide evidence of financial responsibility to satisfy claims for damage to human health and to the environment, including necessary restoration costs, but not for potential or speculative damages for which they would not otherwise be found liable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/86	51 FR 33854
Final Action	04/13/88	53 FR 12158
Final Action Effective	04/13/88	53 FR 12158

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/13/88 (53 FR 12158)

Additional Information: Upon issuances of the interim final rule, the FHWA gave notice that comments would be accepted on the rulemaking action. A comment period was provided and Docket No. MC-126; Amendment No. 83-14 was established to receive comments.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB77

1893. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; REVISION OF PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 109(b); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA considered rulemaking regarding the need to update the standards in Part VI, Traffic Controls For Street and Highway Construction and Maintenance Operations, of the Manual On Uniform Traffic Control Devices (MUTCD). Upon further review the FHWA determined that action in this area was not necessary at this time. A termination of rulemaking and a closing of docket was published on 1/6/88.

Timetable:

Action	Date	FR Cite
Final Action	01/06/88	53 FR 236
Final Action Effective	01/06/88	
Action Terminated	01/06/88	53 FR 236

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: FHWA Docket # 86-12 had been assigned to this rulemaking action.

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0411

RIN: 2125–AB83

1894. STATE EDUCATION AND TRAINING PROGRAM

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 321(b); 23 USC 321 (c); PL 100-17, Sec 131

CFR Citation: 23 CFR 260

Legal Deadline: None

Abstract: The FHWA amended 23 CFR 260 to implement Section 131 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) enacted on April 2, 1987. Section 131 of the STURAA amends Section 321 of Title 23, United States Code, by allowing the States to use Federal-aid funds to pay 75 percent of the cost of education and training purchased from any source including the National Highway Institute. The provisions contained in 23 CFR 260 addressing the administration of Federal-aid funds for education and training of State and local highway department employees were revised to reflect the statutory amendment.

Timetable:

Action	Date	FR Cite
Final Action	02/09/88	53 FR 3744
Final Action Effective	04/02/88	53 FR 3744

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 02/09/88 (53 FR 3744)

Agency Contact: Larry Jones, National Highway Institute, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 285-2779

RIN: 2125–AB92

1895. TRUCK SIZE AND WEIGHT; EXCEPTION TO BRIDGE FORMULA

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2312; 49 USC 2313; 49 USC App 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An exception was contemplated for tank trailers, dump trailers, and ocean transport containers to the Federal formula that specifies the maximum allowable gross weight for axle groups for vehicles operating on Interstate Highways. Upon further review, the FHWA has determined that no rulemaking action is required at this time. Therefore, on 6/1/88 this rulemaking action was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AC03

1896. STATE FISCAL PROCEDURES AND REPORTS; RESCISSION OF REGULATION

Significance: Nonsignificant

Legal Authority: 23 USC 104(c); 23 USC 104(d); 23 USC 104(g); 23 USC 315

CFR Citation: 23 CFR 160

Legal Deadline: None

Abstract: The FHWA rescinded its regulations addressing the transfer of Federal-aid Highway and Safety Funds. These provisions contained in 23 CFR 160 were issued to prescribe the procedures for transfer of funds under subsections 104(c), (d) and (g), of Title 23, United States Code. The regulations are rescinded because their sole function has evolved to a simple restatement of statutory language.

Timetable:

Action	Date	FR Cite
Final Action Rescission	07/07/88	53 FR 25488
Final Action Effective	07/07/88	53 FR 25488

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 07/07/88 (53 FR 25488)

Agency Contact: Mr. Larry C. Hanna, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2906

RIN: 2125–AC08

1897. ● UTILITY RELOCATIONS, ADJUSTMENTS, AND REIMBURSEMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 109; 23 USC 111; 23 USC 116; 23 USC 123; 23 USC 315; PL 100-17, Sec 108

CFR Citation: 23 CFR 645

Legal Deadline: None

Abstract: The FHWA amended its regulation on utility adjustments to clarify the circumstances under which Federal-aid highway funds may be used to reimburse highway agencies' costs incurred in implementing projects solely for corrective measures to reduce the hazards of utility facilities to highway users. This revision was made to implement section 108 of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987 (Pub. L. 100-17, 101 Stat. 132) as it affects utility safety work.

Timetable:

Action	Date	FR Cite
Final Action	07/01/88	53 FR 24932
Final Action Effective	07/01/88	53 FR 24932

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 07/01/88 (53 FR 24932)

Agency Contact: Mr. James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125–AC12

1898. ● TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; NEW YORK

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2372; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The rule technically amends Appendix A of 23 CFR Part 658 which identifies interstate and other Federal-aid primary routes designated as part of the National Network for trucks available to vehicles described in the Surface Transportation Assistance Act of 1982 (STAA). Specifically this rule removes the footnotes related to time of day and other restrictions on interstate highway segments in New York which are no longer valid. This amendment is in response to recent revisions to 23 CFR Part 658 which established specific approval requirements for use restrictions on interstate highways.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	53 FR 28870

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 08/01/88 (53 FR 28870)

Agency Contact: Mr. Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AC13

1899. ● DESIGN STANDARDS FOR HIGHWAYS; TECHNICAL AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) updated the list of citations to publications which are incorporated by reference in 23 CFR 625 for application on Federal-aid projects. The list includes citations to publications containing standards, specifications, policies, guides, and references which have been approved for application in the geometric and structural design of federally funded highways. The revision amended the regulation by adding a publication that contains guidance and informational material.

Timetable:

Action	Date	FR Cite
Final Action	05/03/88	53 FR 15669
Final Action Effective	05/03/88	53 FR 15669

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/03/88 (53 FR 15669)

Agency Contact: Mr. Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1327

RIN: 2125–AC14

1900. ● COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC App 2301-2305; 49 USC 3102

CFR Citation: 49 CFR 350

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) amended the regulations contained in 49 CFR Part 350 that implement the Motor Carrier Safety Assistance Program (MCSAP). The technical amendments included in this document updated the current regulations to reflect current statutory authority, funding authorizations, and removal of inapplicable years and any mention of future years.

Timetable:

Action	Date	FR Cite
Final Action	05/04/88	53 FR 15845
Final Action Effective	05/04/88	53 FR 15845

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 05/04/88 (53 FR 15845)

Agency Contact: William H. Nalley, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2946

RIN: 2125–AC15

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

1901. + SIDE-IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: Contemplated action proposes amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB85

1902. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AA52

1903. ● + SIDE-IMPACT PROTECTION -- LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 1.50

Legal Deadline: None

Abstract: The purpose of this advance notice is to announce that the NHTSA is considering the proposal of requirements for light trucks, vans, and multipurpose passenger vehicles intended to reduce the risk of fatalities and injuries in side impacts and other crashes where the side protection of the vehicle is a relevant factor, and to request comments to assist the agency in developing the proposal. The contemplated requirements would be part of the agency's efforts to address the serious problem of side impacts. As another part of those efforts, the agency earlier this year proposed requirements for passenger cars intended to reduce the risk of injuries to the thorax and pelvis in side impact crashes between vehicles. This rulemaking is considered significant because of the public safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
ANPRM Comment Period End	10/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 7th Street, S.W., Washington, DC 20590, 202 366-0842

RIN: 2127–AC43

1904. ● + ROLLOVER

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: Consumers Union petitioned for rulemaking to develop a new standard to protect against unreasonable risk of rollover. The petition is under consideration. This issue is considered significant because of substantial public interest and safety factors involved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

DOT—NHTSA **Prerule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC64

1905. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	
End Review	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AA65

1906. REVIEW: SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/86	
Preliminary evaluation report published	02/10/87	52 FR 4818
End Review	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AA69

1907. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurred after the lamps were introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary evaluation report published	03/20/87	52 FR 9609
Interim Report	06/01/89	
End Review	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The preliminary evaluation report indicated that cars equipped with center high-mounted stop lamps were 22 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB76

1908. REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB78

1909. REVIEW: ROOF CRUSH RESISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: This program was selected for review because of costs. The evaluation will study the effect of roof crush strength on the crashworthiness of passenger cars in rollover crashes.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/31/88

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC20

1910. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 07/23/81 (46 FR 37952) a new NPRM may be deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Comment Period End	08/24/81	46 FR 37952
SNPRM	03/22/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA27

1911. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Contemplated actions would utilize guidelines prescribed by UMTA to define flammability characteristics of school bus interior materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA44

1912. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multipurpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
Evaluation report published	01/25/88	53 FR 2516
End Review	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127–AB16

1913. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL-SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks.

Timetable:

Action	Date	FR Cite
End Review	02/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127–AB43

1914. SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The intention to apply in Federal Motor Vehicle Safety Standard No. 208 rulemaking additional injury criteria in order to prevent facial lacerations, neck injury, knee shear, tibia, and ankle trauma was announced in Notice 39 Docket 74-14. The final rule (Notice 40) stated that the agency will issue another Notice on the additional injury criteria to gain additional information about the potential effects of adopting these criteria. Alternatives and potential costs were addressed in Notice 39.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

DOT—NHTSA **Prerule Stage**

St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC12

1915. MANDATORY USE OF THE PART 572(E) DUMMY IN FMVSS 208 COMPLIANCE TESTING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Petitions for reconsideration have raised the question of whether the Part 572(E) dummy's chest deflection limit of 2 in. is appropriate for belt restraints. The rulemaking will address the petitioner's issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC13

1916. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD – REAR-VIEW MIRRORS - SURE-VIEW PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1381 et. seq.

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This is in response to a petition from Sure-View Inc., requesting the Federal Motor Vehicle Safety Standard (FMVSS) No. 111 require that all motor vehicles contain a mirror system in which a plane mirror is in the same casing as a convex mirror. The agency is presently analyzing the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC46

1917. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208 - OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC57

1918. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 301 specifies requirements for the integrity and security of vehicle's entire fuel system, including the fuel tank, fuel pump, lines and connections in front and rear, or lateral barrier impact tests; also fuel loss must not exceed one ounce per minute in a static rollover test following these barrier crash tests as well as not exceeding these limits after and incidental to the crash tests. Thomas Feahney petitioned the agency to amend the Standard to include simple functional testing to assure performance equivalent to fuel systems made of high density polyethylene. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC58

1919. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT - PROPOSED AMENDMENT TO PERMIT THE 9007 BULB FOR HEADLAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: Ford has petitioned to allow Federal Motor Vehicle Safety Standard No. 108 to be amended to permit a new replaceable bulb design for headlamps and replacement use. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

DOT—NHTSA

Prerule Stage

Government Levels Affected: State, Federal

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC59

1920. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Sylvania has petitioned National Highway Traffic Safety Administration to amend Federal Motor Vehicle Safety Standard No. 108 to permit a new multiple lamp headlamp system with integral aim capability. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC61

1921. ● BRAKE LINING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requesting initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and are presently under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC66

1922. ● BATTERY EXPLOSIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Petition to provide protection against battery explosions by providing a plastic barrier attached to battery has been received by Dr. Abraham. Analysis ongoing to determine magnitude of problem and benefits and costs of possible corrective actions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC67

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Proposed Rule Stage

1923. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposed actions would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments	09/18/87	52 FR 35345
Comment Period End	11/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: Docket No. 80-9.

Research underway.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1537

RIN: 2127–AA12

1924. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2254
Corrections to NPRM	03/17/88	53 FR 8783
NPRM Comment Period End	10/24/88	53 FR 2254

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Preliminary Regulatory Evaluation 01/27/88 (53 FR 2254)

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA48

1925. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	01/20/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 01/20/89

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AB21

1926. + SIDE-IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: NPRM proposes amending the current standard to upgrade thoracic protection in passenger-car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2239
NPRM technical correction	03/17/88	53 FR 8782
NPRM Comment Period End	10/24/88	53 FR 2239

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/27/88 (53 FR 2239)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB86

1927. ● + POST 1991 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Final, Statutory, March 31, 1990.
Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the Model Year.

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light truck average fuel economy standards for Model Year 1992 and later years.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	
NPRM Comment Period End	10/31/89	
Final Action	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AC51

1928. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would establish a new brake standard for all trucks, buses, and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered

significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA00

1929. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the advance notice invited comment on possible amendments to the regulation with respect to the manner in which light trucks, vans, multipurpose vehicles, and certain other vehicles are classified. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41475
ANPRM Comment Period End	01/18/88	52 FR 41475
NPRM	10/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: Deborah Parker, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4931**

RIN: 2127–AA57

1930. + VOLUNTARY TIRE REGISTRATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/83	
Prelim. Evaluation Report Published	09/27/85	50 FR 188
ANPRM	12/23/86	51 FR 45916
ANPRM Comment Period End	02/06/87	51 FR 45916

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127–AB18

1931. + HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: To Be Determined

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task-force analysis, which are anticipated in 1988.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB42

1932. + OCCUPANT CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: ANPRM requested comments on proposing an amendment to Standard No. 208, Occupant Crash Protection, to require Type 2 safety belts in the outboard seating positions in the rear seats of passenger cars and MPVs and trucks with GVWR of 10,000 pounds or less. This action is significant because of the recent NTSB report on

lap-belt injuries and resultant public interest expected.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/87	52 FR 22818
ANPRM Comment Period End	07/31/87	52 FR 22818
NPRM	10/14/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/14/88

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB91

1933. + HEAD RESTRAINTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: Petition for rulemaking to require head restraints on vehicles other than passenger cars. NHTSA is currently reviewing the petition, to determine appropriate action. The issue of head restraints is considered significant in view of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/14/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC06

1934. + FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 208, OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: Other, Statutory. Final rule requires resolution by 09/01/90.

Abstract: The intention is to upgrade the chest-deflection injury criteria for unrestrained occupants when vehicles are tested for Federal Motor Vehicle Safety Standard (FMVSS) No. 208 compliance with the Hybrid III Dummy. The Final Rule stated that the agency will have to resolve this issue by September 1, 1990. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC34

1935. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1834

RIN: 2127–AB79

1936. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR Not yet determined

Legal Deadline: None

Abstract: NHTSA will promulgate a voluntary vehicle identification standard under which any person may elect to inscribe or affix an identifying number or symbol on major parts of any motor vehicle manufactured or owned by such person for purposes of section 511 of Title 18, United States Code, and related provisions. Compliance with this standard shall not relieve any manufacturer of motor vehicles from compliance with the requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541), or any other applicable regulation. This rulemaking supplements the statutory requirement of 15 USC 2033 by allowing consumers to protect their vehicles and parts by identifying them.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Barbara Kurtz, Senior Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-20.

400 Seventh S.., SW, Washington, DC 20590, 202 366-4808

RIN: 2127–AB93

1937. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/14/88

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB94

1938. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This action would add the specifications covering the 6-year-old-child/test dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/14/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC09

1939. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would add the specification covering the 9-month-old-child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/18/89

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC10

1940. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 205, GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: Based on a petition, would amend Federal Motor Vehicle Safety Standard No. 205, Glazing Materials, to revise the ball drop test No. 26 to allow clamping of glass-plastic samples. NHTSA is evaluating the petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC14

1941. NON-PNEUMATIC TIRES FOR PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: Based on a petition, the agency is considering creation of a new standard for temporary-use non-pneumatic spare tires. At the present time Federal Motor Vehicle Safety Standard No. 110 prohibits the use of non-pneumatic tires.

Timetable:

Action	Date	FR Cite
Request for Comments	09/23/87	52 FR 35740
Comment Period End	12/22/87	
NPRM	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/15/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC18

1942. FEDERAL MOTOR-VEHICLE SAFETY STANDARD NO. 221, SCHOOLBUS BODY JOINT STRENGTH

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

DOT—NHTSA **Proposed Rule Stage**

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: ANPRM requested comments on three items, all related to FMVSS No. 221 Schoolbus Body Joint Strength. These are: (a) possible new standard requiring minimum floor strength for large school buses over 10,000 lbs. GVWR, (b) revision of exemption provision for maintenance access panels, and (c) revision of test procedures of FMVSS No. 221.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to to 10/15/87	08/12/87	52 FR 29873
NPRM	10/21/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/21/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC19

1943. BUMPER STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581

Legal Deadline: None

Abstract: Subaru of America has petitioned to modify the test conditions for bumper compliance testing so that vehicles with variable height suspension would be tested at the normal, unraised height position. This action will consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this petition is awaiting disposition of a petition on vehicle classification.

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Divison, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC30

1944. FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 208, OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Motor Vehicle Manufacturer's Association (MVMA) petitioned to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection, to require that height-adjustable seats, and other adjustable seat features such as lumbar supports, be placed in the nominal design riding position specified by the manufacturer. A notice has been published, requesting comments.

Timetable:

Action	Date	FR Cite
Request for comments	05/02/88	53 FR 15576
NPRM	12/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC36

1945. FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 205, GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: The Taliq Corporation of Sunnyvale, CA, petitioned the agency to create a new category of glass-plastic glazing, AS-15. This proposed glazing would consist of a layer of tempered glass and a layer of plastic with the tempered glass layer on the outside surface when installed in the vehicle. This glazing would be permitted only in vehicle locations not requisite for driving visibility. The merits of the petition are being considered.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	
NPRM Comment Period End	03/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC38

1946. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 105 - HYDRAULIC BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have one or more brake system indicator lamps in the instrument panel area, to warn drivers about certain types of brake failure and to indicate when the parking brake is in the applied position. Section S5.3.2 of the standard requires that the brake system indicator lamps be activated automatically when the vehicle is started, to enable the driver to check whether the lamp bulb is burned out. That section also provides that in a vehicle equipped with an automatic transmission, the activation of the lamp as a check of lamp function is not required when the transmission shift lever is in a forward or reverse drive

position, since the vehicle cannot be started when the transmission shift lever is in those positions. In response to a petition for rulemaking submitted by Mazda, this notice proposes to amend the standard to provide that the activation of the lamp as a check of lamp function is not required whenever the starting of a vehicle is prevented by an interlock switch.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31379
NPRM Comment Period End	10/17/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31379)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC50

1947. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 118 - POWER-OPERATED WINDOW SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: Amendments are proposed to Federal Motor Vehicle Safety Standard No. 118 to extend the standard's requirements to power-operated sunroofs and either permitting external non-key locking systems to operate power windows and sunroofs or prohibiting all external operating systems.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This project has been separated from RIN 2127-AC25.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC52

1948. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 106 - BRAKE HOSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Volvo-White Truck Corporation petitioned to amend Federal Motor Vehicle Safety Standard No. 106 to change the definition of permanently attached end fitting to include fittings that are attached by permanent methods other than crimping or swaging. The petition is being considered.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Dirctor, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC55

1949. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - PROPOSED AMENDMENT TO PERMIT A NEW SMALL SEALED BEAM HEADLAMP

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: General Motors petitioned the agency for a 55X135 mm sealed-beam headlamp system. The petition is under consideration.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC60

1950. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety

DOT—NHTSA **Proposed Rule Stage**

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC62

1951. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 - LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition from Truck Safety Equipment Institute (TSEI) primarily requested NHTSA to update references in Federal Motor Vehicle Safety Standard No. 108 to latest version of Society of Automotive Engineers (SAE) standards for stoplamps and turn signal lamps. NHTSA has decided to issue an NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC68

1952. ● COMPREHENSIVE REVIEW OF VISIBILITY TOPICS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111; 49 CFR 571.219

Legal Deadline: None

Abstract: As a result of requests for interpretation for head-up displays and other devices which affect driver visibility through vehicle windows, the agency is conducting a comprehensive review of visibility research.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC69

1953. ● CONSUMER INFORMATION REGULATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This notice implements the granting of a petition by Motor Voters requesting that NHTSA require motor vehicle manufacturers to include information in their vehicle owner's manual advising owners about the agency's defect authority and providing them with the agency's Auto Safety Hotline. To encourage owners to report defects and to facilitate their doing so, this notice proposes to amend the agency's Consumer Information Regulations to require manufacturers to provide the requested information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Marvin L. Shaw, Attorney, Department of Transportation, National Highway Traffic Safety Administration, NHTSA - NCC-20, 400 7th Street, SW, Washington, DC 20590, 202 366-2992

RIN: 2127–AC72

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA) **Final Rule Stage**

1954. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Marilynne Jacobs, Director, Office, Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1740

RIN: 2127–AA03

DOT—NHTSA **Final Rule Stage**

1955. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA43

1956. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian injuries through modification of the vehicle frontal structure.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015
NPRM Comment Period End	05/22/81	46 FR 7015

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA45

1957. + POST-1988 PASSENGER-CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Final, Statutory, October 1, 1988.
Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: Automotive Importers of America, Inc., Austin Rover Group Ltd., Mercedes-Benz of North America, Inc., Competitive Enterprise Institute, and General Motors Corporation petitioned to lower passenger car Corporate Average Fuel Economy (CAFE) standards for Model Years 1989 and 1990. The March 1988 SNPRM sought public comment on whether to reduce the CAFE standard for MY 1989 and/or 1990, to determine whether retaining the present standard would adversely affect U.S. employment or competitiveness of the U.S. auto industry.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2912
NPRM Comment Period End	03/24/86	
SNPRM	03/16/88	53 FR 8668
SNPRM	08/29/88	53 FR 33080
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/29/88 (53 FR 33080); Environmental Assessment 08/29/88 (53 FR 33080)

Additional Information: Petitioners had addressed MY 1986 and beyond; MY 1986 through 1988 were covered on 10/06/86 (51 FR 35594). Comment period ended 09/15/88 for MY 1989; comment period ends 10/28/88 for MY 1990.

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AB75

1958. + LIGHTING SIMPLIFICATION–POTENTIAL AMENDMENTS TO SIMPLIFY FMVSS 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	10/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM	10/14/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

DOT—NHTSA **Final Rule Stage**

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB87

1959. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 - LIGHTING SIMPLIFICATION - POTENTIAL AMENDMENTS - NEW TERM ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposes a comprehensive review of headlighting requirements of Federal Motor Vehicle Safety Standard No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the second through the fifth. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements. These issues have been separated from RIN 2127-AB87. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	52 FR 49038
Final Action	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. 85-15, Notice 1 (50 FR 42735) ANPRM; Docket No. 85-15, Notice 2 (50 FR 43970) extend comment period for ANPRM; Docket No. 85-15, Notice 3 (51 FR 2537) correction to ANPRM; Docket No. 85-15, Notice 4 (52 FR 49039) NPRM

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC53

1960. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 222; SCHOOLBUS SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: Proposed rule would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/10/85 (50 FR 41368)

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222. Previous title: Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB84

1961. + STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Volkswagen of America petitioned to change Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment to permit an additional standardized replaceable light source for motor vehicle headlamps. The type of light source proposed was that currently used in European headlamps, the type H-4. Review of the merits of the petition found that, as used in Europe, the light source was not capable of achieving the level of performance required of U.S. light sources and NHTSA subsequently proposed a U.S. version to be known as the type HB2, which would have interchangeability and performance aspects compatible with U.S. safety needs. Comments by the U.S. and foreign lighting and vehicle manufacturers led to a supplemental notice. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Supplemental NPRM comment period ended 07/14/86	06/13/86	51 FR 21696
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/01/88

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC22

1962. ● + PASSENGER-CAR BRAKE SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.135

Legal Deadline: None

Abstract: New regulation to replace Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake Systems, as it applies to passenger cars. This new regulation will be harmonized with a corresponding new regulation to be issued by Economic Commission for Europe. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
CORRECTION	06/20/85	50 FR 25612
Extended Comment Period to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM	01/14/87	52 FR 1474
SNPRM	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20950, **202 366-0842**

RIN: 2127–AC63

1963. PASSENGER-CAR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Action proposes a New Standard No. 135. "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Extended comment period to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/13/87	
SECOND SNPRM	11/18/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/10/85 (50 FR 19744)

Additional Information: Docket No. 85-06.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA13

1964. REARVIEW MIRROR SYSTEMS: HEAVY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend FMVSS No. 111 to improve mirror systems for trucks, buses, and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA21

1965. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend Federal Motor Vehicle Safety Standard No. 111 to improve mirror systems for trucks, buses, and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA23

1966. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would update the definition of Seating Reference Point to incorporate latest industry practices.

DOT—NHTSA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	12/20/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Additional Information: Docket No. 82-05.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA46

1967. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This proposal would amend Federal Motor Vehicle Safety Standard No. 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter-resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. Final Rule to permit use of passenger side convex mirrors published. Final Rule responding to petitions and clarifying 1982 Final Rule published.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues not enumerated in the Abstract.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA88

1968. SEAT-BELT-ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This action proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
NPRM Comment Period End	04/06/87	52 FR 3293
Final Action	11/04/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/03/87 (52 FR 3293)

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA95

1969. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would amend the brake application and release timing requirements and test devices in Federal Motor Vehicle Safety Standard No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multitrailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	10/21/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation (Minimal) 05/14/85 (50 FR 20113)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB12

1970. GEAR LOCK; THEFT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: An amendment to Federal Motor Vehicle Safety Standard (FMVSS) No. 114 to prevent the inadvertent knocking out of gear of the gear shift lever and potential accidents, injuries and fatalities from vehicles rolling out of control. This amendment is in response to a petition for

rulemaking relating to an inadvertent knock-out-of-gear accident resulting in a fatality. In addition, FMVSS 114 is proposed to be amended to insure that, if a steering column locking device is employed, the device cannot be activated until the key is removed and the vehicle must be in park on automatic transmission to remove the key and reverse for manual transmissions.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11105
Comment Period Extended to 07/05/88	05/18/88	53 FR 17732
NPRM Comment Period End	05/20/88	
Final Action	12/20/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Prelim. Regulatory Evaluation 04/05/88 (53 FR 11105)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC24

1971. BUMPER STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581; 49 CFR 582

Legal Deadline: None

Abstract: Consumers Union has petitioned to restore the bumper-damage criteria to the 1982 protection level of 5mph or, if this is not possible, to require automobile dealers to provide repair cost and insurance premium information related to the bumper systems on the passenger cars that they sell. The agency has completed and published a study on the cost effects and consumer interest in bumper-damageability standards. The agency will now consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite
Final Action	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AC29

1972. ● FMVSS NO. 208 OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This amendment proposes to extend requirements for Webbing Tension Relieving Devices to include air-bag-equipped cars and to permit testing of adjustable belt-anchorage points at manufacturers' nominal position.

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25354
NPRM Comment Period End	08/22/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/06/88 (53 FR 25354)

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-0842**

RIN: 2127–AC49

1973. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 102 - TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING

Significance: Nonsignificant

Legal Authority: 15 USC 1392

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: The current stated purpose of Federal Motor Vehicle Safety Standard No. 102 is to reduce the likelihood of shifting errors. Manufacturers have provided a permanently displayed shift lever position indicator to meet the requirement of S3.2 of this Standard. Chrysler and General Motors petitioned the agency to amend the Standard to allow the use of electronic "PRNDL" displays. As the proposed requirements would facilitate the use of electronic displays, while ensuring the information is displayed at all times, an NPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32409

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC54

1974. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 107 - REFLECTING SURFACES - PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.107

Legal Deadline: None

Abstract: This standard requires that windshield wiper arms inside windshield moldings, horn rings, and frames and brackets of inside rearview mirrors have matte surfaces which will greatly reduce the likelihood of hazardous reflection into the driver's eyes. A petition has been filed to extend the standard to the above items which are made of non-metallic, as well as metallic, materials.

DOT—NHTSA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/13/87	52 FR 43628
NPRM Comment Period End	12/28/87	52 FR 43628
Final Action	10/15/88	
Final Action Effective	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC, 202 366-0842

RIN: 2127–AC56

1975. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 115 - VEHICLE IDENTIFICATION NUMBER AND PART 567 - CERTIFICATION REGULATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1912; 15 USC 1915; 15 USC 2022; 15 USC 2026; 15 USC 2120

CFR Citation: 49 CFR 571.115; 49 CFR 567

Legal Deadline: None

Abstract: The agency proposed to amend Federal Motor Vehicle Safety Standard No. 115 and Part 567 with regard to vehicles not originally manufactured for sale in the United States and that do not comply with Federal motor vehicle safety standards, but that are imported into this country by businesses unaffiliated with the original manufacturer. These vehicles often are labelled with "homemade" 17 digit Vehicle Identification Numbers (VIN). Under the proposal, the importer would label the vehicle partially exempt from Standard No. 115 and direct interested parties to the location of the original manufacturers's number to be used in lieu of the VIN. The agency is taking this action in response to a petition from the National Automobile Theft Bureau (NATB).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17088
NPRM Comment Period End	06/27/88	53 FR 17088
Final Action	10/20/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC65

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

1976. + SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Legal Deadline: None
Standard for new vehicles is now required to take effect one year after final rule is published.

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, this rulemaking proposed to establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers, and trailers. It also proposed to establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation was significant because it was potentially controversial. After careful consideration, this proposal was withdrawn, as no available technology has been demonstrated as meeting the statutory criteria for establishing minimum performance standards.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Extended	02/13/86	51 FR 5383
NPRM Comment Period End	04/14/86	51 FR 5383
Request for comment and Notice of Public Meetings	09/28/87	52 FR 36285
Comment Period End	11/27/87	
Withdrawn	05/25/88	53 FR 18861

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 04/12/85 (50 FR 14632)

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA97

1977. + DAYTIME RUNNING LIGHTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition was received from the Insurance Institute for Highway Safety (IIHS) on November 8, 1985. It requested that the Federal lighting regulation (FMVSS No. 108) be changed to allow installation of daytime running lights (DRLs) by original equipment manufacturers. After issuing an NPRM in response to this petition, the agency has now withdrawn this proposal. The Executive Order on Federalism impacts on this action as do the apparent plans of vehicle manufacturers to not avail themselves of this option if it were made available as a final rule.

Timetable:

Action	Date	FR Cite
NPRM	03/24/87	52 FR 9316
NPRM Comment Period End	05/08/87	52 FR 9316
Withdrawn	06/23/88	53 FR 23673

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB92

1978. + PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531.5

Legal Deadline: None

Abstract: The Mercedes Benz of North America, Inc. and the General Motors Corporation petitions to amend the passenger automobile Corporate Average Fuel Economy (CAFE) standards for Model Years (MY) 1984 and 1985 and for MY 1985, respectively, were denied. General Motors petitioned for a reconsideration of the denial for MY 1985 The agency will review this petition. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Petitions denied	04/28/88	53 FR 15241

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC33

1979. + ODOMETER DISCLOSURE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 15 USC 1981

CFR Citation: 49 CFR 580

Legal Deadline: Final, Statutory, April 29, 1989.

Abstract: Odometer fraud costs the nation between $3 and $4 billion annually. Congress determined that legislation was needed to strengthen the provisions of the current law with respect to disclosure of motor vehicle mileage and enacted the Truth in Mileage Act of 1986. This rulemaking action implements the 1986 Act, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27022
Comment period extended to 09/30/87	08/10/87	52 FR 29556
NPRM Comment Period End	09/15/87	52 FR 27022
Final Action	08/05/88	53 FR 29464
Final Action Effective	04/29/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 07/17/87 (52 FR 27022)

Additional Information: Provisions of the final rule concerning the procedures States may follow in requesting technical assistance, extensions of time or approval of alternate State mileage disclosure requirements shall be effective 30 days after publication in the Federal Register. All other provisions shall be effective 04/29/89.

Agency Contact: Judith S. Kaleta, Attorney-Advisor, Department of Transportation, National Highway Traffic Safety Administration, Office of Chief Counsel, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-1834

RIN: 2127–AC42

1980. CONSUMER INFORMATION - WET STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Legal Deadline: None

Abstract: This project contemplated a rule for consumer information as to differences in wet stopping distances among different car models on paved roads. As examination indicated too many variables to develop a consistent standard, further action was deemed unproductive and the project was terminated.

Timetable:

Action	Date	FR Cite
Action terminated	08/09/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AA56

1981. ● NATIONAL MINIMUM DRINKING AGE

Significance: Nonsignificant

Legal Authority: 23 USC 158 as amended by PL 99-272

CFR Citation: 23 CFR; 12 CFR 1208

Legal Deadline: None

Abstract: This final rule implements PL 99-272 by making permanent the penalty for States that have failed to comply with the National Minimum Drinking Age; it provides that certain States that have failed to comply with the Act will not be penalized if they enact legislation that otherwise complies, but which includes "grandfather" rights to persons between 18 and 21.

Timetable:

Action	Date	FR Cite
Final Action	08/18/88	53 FR 31318

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Heidi Coleman, Attorney Adviser, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590, 202 366-1834

RIN: 2127–AB30

1982. OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Final rule amends Standard No. 208, Occupant Crash Protection, to

upgrade the safety-belt requirements for new trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period End	07/15/85	
Final Action	07/06/88	53 FR 25337
Correction to final rule	07/18/88	53 FR 27106
Final Action Effective	01/03/89	53 FR 25337

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation (Minimal) 05/24/85 (50 FR 23041)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB71

1983. CHILD RESTRAINT SYSTEMS – BUILT-IN CHILD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 47 CFR 571.213

Legal Deadline: None

Abstract: Standard 213 has been modified to allow built-in child restraints and specifies performance requirements for these restraints. The standard was published on January 22, 1988 and became effective on that date.

Timetable:

Action	Date	FR Cite
NPRM	03/23/87	52 FR 9194
NPRM Comment Period End	05/22/87	
Final Action	01/22/88	53 FR 1783
Final Action Effective	01/22/88	53 FR 1783

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/23/87 (52 FR 9194)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB97

1984. GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: This project involved possible amendment to Standard No. 205, Glazing Materials, to require marking remain visible when glazing is installed in vehicles. As there is now voluntary compliance by the industry, no further action is required.

Timetable:

Action	Date	FR Cite
Withdrawn Voluntary compliance by industry; no further action required	06/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB98

1985. OCCUPANT CRASH PROTECTION: DYNAMIC-TESTING PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The American Seat Belt Council petitioned the agency to amend Standard No. 208 to require that automatic belts and dynamically tested manual belts meet the webbing requirements of Standard No. 209. Upon consideration, the petition is denied and no further action deemed necessary.

Timetable:

Action	Date	FR Cite
Final Action Petition denied	02/25/88	53 FR 5579

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC00

1986. NEW PNEUMATIC TIRES FOR PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: Non-substantive amendments to Federal Motor Vehicle Safety Standard No. 109 to add an inflation pressure for reinforced tires. This increase in inflation pressure will be done without an increase in the tire load capacity. This change will allow reinforced tires (extra-load tires) to operate at a higher pressure for safety and optimum vehicle handling. No cost is involved.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 936
NPRM Comment Period End	02/29/88	53 FR 936
Final Action	05/19/88	53 FR 17950
Final Action Effective	06/20/88	53 FR 17950

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/19/88 (53 FR 17950)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC16

DOT—NHTSA

Completed Actions

1987. POWER-OPERATED WINDOW SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: Amendments to Federal Motor Vehicle Safety Standard No. 118 extend applicability of the standard to light trucks to broaden the safety potential, to allow lowering of power windows after the key is removed to provide more consumer convenience without degrading safety.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38488
NPRM Comment Period End	11/30/87	52 FR 38488
Final Action Effective: paragraph S2 12/21/88; paragraph S3 07/25/88	06/24/88	53 FR 23766

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/24/88 (53 FR 23766)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC25

1988. MOTOR-VEHICLE BRAKE FLUIDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: Nonsubstantive amendment to Federal Motor Vehicle Safety Standard No. 116 allows the use of adhesive-type labels on fluid containers. Present standard allows only lithographed or silk-screen type labels directly on surface of containers. The latter type labels are considered more expensive for small-volume lots. No cost is irvo'ved.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10775
NPRM Comment Period End	06/02/87	52 FR 10775
Final Action	06/28/88	53 FR 24272
Final Action Effective	12/27/88	53 FR 24272

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/28/88 (53 FR 24272)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC26

1989. CONSUMER INFORMATION - UNIFORM TIRE-QUALITY GRADING STANDARDS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575.104(d)(1)(i)(B)(2)

Legal Deadline: None

Abstract: The Rubber Manufacturers Association petitioned to eliminate the requirement for tire-tread labels for tire quality grading information. Arguments raised were previously considered in the decision to adopt the requirement. As there was no basis for proposing the requested amendment, the petition was denied.

Timetable:

Action	Date	FR Cite
Final Action Petition denied	05/05/88	53 FR 16167

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC31

1990. INSURER REPORTING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: Section 612 of the Motor Vehicle Information and Cost Savings Act requires each subject insurer to furnish an annual report, recording comprehensive insurance for motor vehicles, and theft and recoveries of motor vehicles, unless exempted from requirements. The Preamble to 49 CFR 544 provides instructions to rental or leasing companies wishing to be exempted from the reporting requirements. This is a one-time only exemption, and is not provided for in the Final Rule.

Timetable:

Action	Date	FR Cite
Final Action	01/02/87	52 FR 59
Final Action Effective	01/02/87	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: Annual notification of insurance companies required to report is published in the Federal Register. These companies were listed 09/09/88 (53 FR 35073) for the 1987 calendar year.

Agency Contact: Barbara Kurtz, Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-4808

RIN: 2127–AC32

1991. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 – LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT – CHEMICAL RESISTANCE TEST

Significance: Nonsignificant

Legal Authority: 15 USC 1381 et seq

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: This notice responded to a petition for rulemaking submitted by Ford Motor Co., requesting changes in the chemical resistance tests for

headlamps in Federal Motor Vehicle Safety Standard No. 108. The agency has decided that some changes are appropriate and is thus changing the standard.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8482
NPRM Comment Period End	05/04/87	52 FR 8482
Final Action	08/17/88	53 FR 31007
Correction to Final Action	09/01/88	53 FR 33898
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/18/87 (52 FR 8482)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, National Highway Traffic Safety Standards, NRM-11, 400 Seventh Street, SW, Room 5307, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC45

1992. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 121 – AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Standard No. 121, "Air Brake Systems," specifies braking requirements for trucks, buses, and trailers equipped with air-brake systems. The standard specifies various criteria, typically concerning configuration, speed, or weight, for excluding certain vehicles whose attributes result in restricted highway operation. In response to a petition submitted by Corpac Industries, the final rule eliminates from the standard the exclusion based on vehicle width, except for trailers exceeding the 102.36-inch width with extendable equipment in the retracted position and equipped with two short-track axles across the trailer width. The width exclusion is unnecessary to achieve the purpose of ensuring that the standard does not apply to certain vehicles that are appropriately excluded from it.

Timetable:

Action	Date	FR Cite
NPRM	01/21/88	53 FR 1643
NPRM Comment Period End	03/07/88	53 FR 1643
Final Action	08/15/88	53 FR 30680
Final Action Effective	09/14/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation (Minimal) 01/21/88 (53 FR 1643)

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC48

1993. ● INCENTIVE GRANT CRITERIA FOR ALCOHOL TRAFFIC SAFETY PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 97-364, Sec 408

CFR Citation: 23 CFR 1309

Legal Deadline: None

Abstract: This final rule revises the agency's regulation implementing section 408 of the Highway Safety Act of 1966, relating to the criteria States must meet to be eligible for alcohol incentive grants. The agency believes some portions of the regulation are unnecessarily restrictive in defining the manner in which a State may demonstrate compliance with the statutory criteria. This action is intended to increase flexibility for the States, by establishing alternative methods of demonstrating compliance with the section 408 criteria to qualify for alcohol incentive grant funds.

Timetable:

Action	Date	FR Cite
NPRM	04/08/88	53 FR 11679
NPRM Comment Period End	05/09/88	
Final Action	08/25/88	53 FR 32375

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Bruce E. McGuire, Special Assistant for Traffic Safety, Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1755**

RIN: 2127–AC70

1994. ● INCENTIVE GRANT CRITERIA FOR ALCOHOL TRAFFIC SAFETY PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 97-364, Sec 408; PL 100-17, Sec 203

CFR Citation: 23 CFR 1309

Legal Deadline: None

Abstract: This final rule revises portions of the agency's regulation implementing section 408 of the Highway Safety Act of 1966, relating to supplemental alcohol incentive grants, to reflect the Surface Transportation and Uniform Relocation Assistance Act of 1987 amendment, which extended from three to five the number of fiscal years in which a State may receive alcohol incentive grants.

Timetable:

Action	Date	FR Cite
NPRM	07/22/87	52 FR 27616
NPRM Comment Period End	08/21/87	
Final Action	05/18/88	53 FR 17692

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/07/83 (48 FR 5545)

Additional Information: Other portions of the regulations were amended in a final rule published in the Federal Register on July 22, 1987 (52 FR 27614).

Agency Contact: Bruce E. McGuire, Special Assistant for, Traffic Safety Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-1755**

RIN: 2127–AC71

1995. ● FEDERAL MOTOR VEHICLE TRAFFIC SAFETY STANDARD (FMVSS) NO. 121; AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

DOT—NHTSA **Completed Actions**

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Standard No. 121, Air-Brake Systems, specifies braking requirements for trucks, buses, and trailers equipped with air-brake systems. The purpose of this rulemaking was to clarify the standard's parking-brake requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8317
Final Action	03/11/88	53 FR 7931
Delay of Effective Date and Reply to Petitions	09/09/88	53 FR 35075

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7931)

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC73

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage
Federal Railroad Administration (FRA)

1996. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication. This review is considered significant because of public-safety considerations.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC	01/27/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0897**

RIN: 2130–AA34

1997. ● + GRADE-CROSSING SIGNALS: INSPECTION AND MAINTENANCE STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA must issue any necessary rules to ensure the safe maintenance of train-activated signal systems and devices at highway grade crossings. Data is being reviewed to better define the problem. This includes: current maintenance practices; allegations that such devices lack credibility for motorists; the history of accidents attributable to improperly functioning devices; and the need to acquire additional data before taking any action. This rulemaking is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/01/89

Agency Contact: S. H. Stotts, Chief, Standards Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0496**

RIN: 2130–AA45

1998. ● + RAILROAD OPERATING PRACTICES; PROCEDURES FOR BRIDGE-WORKER SAFETY

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: A recently enacted statute requires FRA to issue necessary rules to protect workers performing tasks on bridges. FRA is studying the casualty data, the appropriate types of protection, and the respective roles of FRA and OSHA. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward R. English, Chief, Maintenance Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-9186**

RIN: 2130–AA48

1999. ● + TRAIN OPERATION EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is required to issue necessary rules to provide for the recording of events relating to train operations and to ensure that devices recording those events are tamper-resistant. Aspects of the issue being explored include: determining the state of the art for such devices; the recordable events appropriate for accident investigation purposes;

standards for "tamper resistance"; and regulatory structure. This project is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/01/89

Agency Contact: Edwards R. English, Chief, Maintenance Program Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9178

RIN: 2130–AA53

2000. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA10

2001. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA32

2002. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA40

2003. RAIL-HIGHWAY GRADE-CROSSING SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: If necessary, rules on the inspection and maintenance of train-activated railroad-highway grade-crossing devices must be issued. An ANPRM will be issued to obtain information from the public to assist in evaluating future possible courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	
ANPRM	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA27

DOT—FRA **Prerule Stage**

2004. ● INTERIOR NOISE STANDARDS FOR ON-TRACK SLEEPING QUARTERS

Significance: Nonsignificant

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 228

Legal Deadline: None

Abstract: FRA's interpretive guidance concerning compliance with an hours-of-service statute will be extended by operation of law unless FRA acts within 6 months. FRA guidelines specify a maximum noise level for the interior of facilities used to give train crews required periods of rest under the Hours of Service Act. The statute will make the noise level applicable to on-track vehicles used as dormitories for other railroad employees unless FRA alters its guidance on this matter for the on-track vehicles. Issues that need to be examined include the appropriateness of the current guidance in the expanded context, and the availability of reasonable alternatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryJo Spottswood, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA52

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Federal Railroad Administration (FRA)

2005. ● + RAILROAD ACCIDENT/INCIDENT REPORTS CLASSIFICATION AND INVESTIGATIONS PERMITTING EMPLOYEE SUPPLEMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This project addresses possible problems of bias and inaccuracy in FRA's railroad data base. Although FRA investigates about 400 accidents a year and receives unsolicited information on a few more accidents, FRA's sole source of information on the great majority of railroad accidents is the railroad company itself. The proposed rule would require that the railroad provide written notification to any employee whom the railroad alleges to have caused a certain type of accident, informing the employee of the relevant allegations and of his or her right to file an accident statement with FRA. The proposed rule also would establish the format and filing procedures for such statements. Alternatives being considered are: (1) revising the reporting form itself to include boilerplate language regarding what, where, and how to file the employee statement and (2) requiring a separate notice to the employee with the same information. Potential costs have yet to be determined. This action is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA44

2006. ● + RAILROAD OPERATING PRACTICES -- PROTECTION OF ON-TRACK SLEEPING QUARTERS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 218

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: Railroads use on-track equipment adapted for service as mobile sleeping quarters, in order to have large dormitories adjacent to work sites. A recently enacted statute requires FRA to establish rules to protect those vehicles from the risk of being struck by other on-track vehicles. This project is intended to accomplish that purpose and is therefore considered significant.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/88

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA46

2007. ● + SAFETY ENFORCEMENT PROCEDURES; DISQUALIFICATION OF EMPLOYEES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: FRA has been granted legal authority to disqualify an individual railroad employee who is shown to be unfit to perform safety-sensitive functions based on a violation of FRA's safety rules. The procedures that FRA will employ in exercising this authority must include a notice and hearing for the individual. FRA must define what constitutes a safety-sensitive function; the nature of the hearing; appellate review structure; and criteria for what constitutes unfitness. This proceeding is

DOT—FRA

Proposed Rule Stage

considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Peter J. Hannums, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., NW, Washington, DC 20590, 202 366-0637

RIN: 2130–AA49

2008. ● + JURISDICTIONAL CONFORMITY AMENDMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 229; 49 CFR 231; 49 CFR 232

Legal Deadline: None

Abstract: FRA is amending three of its older safety regulations to conform their applicability provisions to statutory changes. The older statutes and rules describe their applicability in terms of "common carrier by rail subject to the Interstate Commerce Act" until they were amended to use the more common word "railroad". This action is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Mark Tessler, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA50

2009. ● + LOCOMOTIVE OPERATOR; QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is required to adopt qualification standards for locomotive operators. Major elements that could be included in such standards involve initial training, retraining, performance monitoring, testing and retesting, and general fitness criteria. Issues being explored include the structure of the program to resolve questions of whether a Federal license program or a railroad licensing program meeting Federal criteria will best achieve the statutory intent. This rulemaking is significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/88

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh, St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA51

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

2010. + INFORMAL SAFETY INQUIRY AND RULEMAKING; CONTROL OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: Based on experience derived from the first year of administration of FRA's rule on Control of Alcohol and Drug Use in Railroad Operations, FRA has identified the need for additional capability to detect and control drug use that can impact on the safety of rail transportation. Accordingly, FRA is developing a proposed rule prohibiting any unauthorized use of controlled substances by employees subject to the current rule and mandating random testing of those employees for controlled substances. FRA has also conducted a special safety inquiry on the administration of the present rule and is developing a notice of proposed rulemaking to refine and enhance the existing regulatory requirements.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, D.C.	02/18/87	
NPRM	05/10/88	53 FR 16640
Notice of public hearings	05/24/88	53 FR 18589
NPRM Comment Period End	08/08/88	
Final Action	10/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/10/88 (53 FR 16640); Environmental Impact 05/10/88 (53 FR 16640)

Agency Contact: Walter C. Rockey, Jr., Executive Assistant to the Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA43

2011. ● + AMENDMENTS TO RAILROAD SAFETY REGULATIONS TO INCREASE THE MAXIMUM CIVIL PENALTIES AND TO MAKE CIVIL PENALTIES AVAILABLE AGAINST INDIVIDUALS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

DOT—FRA

Final Rule Stage

CFR Citation: 49 CFR 209; 49 CFR 213; 49 CFR 215; 49 CFR 216; 49 CFR 217; 49 CFR 218; 49 CFR 220; 49 CFR 221; 49 CFR 223; 49 CFR 225; 49 CFR 228; 49 CFR 229; 49 CFR 231; 49 CFR 232; 49 CFR 236; ...

Legal Deadline: Final, Statutory, December 22, 1988.
Statute requires both a generic change within 30 days of enactment and a detailed change within 6 months of enactment.

Abstract: The Rail Safety Improvement Act raised the maximum civil penalty amount for violations of FRA rules. It also authorized the imposition of penalties against individuals for willful violations. In a two-stage process, FRA is conforming its rules to the new statute. In an interim rule, FRA is amending the language of its applicability and responsibility provisions. FRA is also stating its policies on what it considers "willful violations" and its procedural approach for handling allegations of noncompliance. In a second document, FRA will provide specific changes to its existing penalty schedules and any appropriate changes to its interim enforcement procedures. Because of the substantial public interest associated with issuance of the final rule, this project is considered significant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/88	53 FR 28594
Final Action	12/22/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/22/88

Agency Contact: Daniel C. Smith, Deputy Assistant Chief Counsel for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh St, SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA47

2012. ● + CERTIFICATION OF PREDEPARTURE INSPECTIONS OF SIGNAL DEVICES MOUNTED ON LOCOMOTIVES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act o1 1988

CFR Citation: 49 CFR 236

Legal Deadline: Final, Statutory, September 20, 1988.

Abstract: FRA is required to issue necessary rules requiring that tests of automatic train control, train stop, and cab signal be certified in writing. Anyone testing that equipment must certify that the required test was properly performed. FRA's current rule requires that virtually all such tests be certified; FRA proposes an expansion of that provision to cover all personnel. Although involving technical amendment with minimal cost implications, this rulemaking is considered significant due to substantial public interest and safety factors.

Timetable:

Action	Date	FR Cite
NPRM	08/31/88	53 FR 33789
NPRM Comment Period End	09/14/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/31/88 (53 FR 33789)

Additional Information: FRA proposed to issue a final rule no later than the September, 1988 statutory deadline.

Agency Contact: S. H. Stotts, Chief, Standards Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9178

RIN: 2130–AA54

2013. ● + PROHIBITING TAMPERING WITH SAFETY DEVICES MOUNTED ON LOCOMOTIVES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 229; 49 CFR 236

Legal Deadline: Final, Statutory, September 20, 1988.

Abstract: FRA must issue necessary rules to prohibit tampering with certain locomotive-mounted safety systems. FRA is attempting to identify which systems should be addressed and the appropriate regulatory construction for this rule. This rulemaking is considered significant because of substantial public interest and safety factors.

Timetable:

Action	Date	FR Cite
NPRM	08/31/88	53 FR 33786
NPRM Comment Period End	09/14/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation. 08/31/88 (53 FR 33786)

Additional Information: FRA proposed to issue a final rule by the September 1988 statutory deadline.

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office Of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA55

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

2014. SAFETY STANDARDS FOR CABOOSES

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Legal Deadline: None

Abstract: The proposed rule contemplated establishing comprehensive safety standards for cabooses. It has been overtaken by events that are eliminating the presence of cabooses.

Timetable:

Action	Date	FR Cite
Action terminated	07/15/88	

Small Entities Affected: None

Government Levels Affected: None

DOT—FRA

Completed Actions

Additional Information: Docket No. RSC-76-6

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA01

2015. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Significance: Nonsignificant

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Legal Deadline: None

Abstract: This proposed action contemplated amending 46 CFR 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Revisions to Part 23 have resolved this matter.

Timetable:

Action	Date	FR Cite
Action terminated	07/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0621

RIN: 2130–AA04

2016. RULES OF PRACTICE

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Legal Deadline: None

Abstract: This action contemplated responding to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities. Experience has shown that making case-by-case determinations is a more effective procedure.

Timetable:

Action	Date	FR Cite
Action terminated	07/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA07

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

2017. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: This regulation would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major urban mass transportation investments. A major urban mass transportation investment is any project that involves the construction of a new fixed guideway for use by buses or rail vehicles. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Notice of Policy	05/18/84	49 FR 21284
NPRM	10/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/88

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, 202 366-0096

RIN: 2132–AA22

2018. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/15/89

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1989.

Agency Contact: Akiro Sano, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW, Room 7412, Washington, DC 20590, 202 366-4018

RIN: 2132–AA01

DOT—UMTA

Proposed Rule Stage

2019. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424, Sec 165; PL 100-17, Sec 337

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking will amend UMTA's Buy America requirements to implement new statutory provisions and reflect UMTA's experience with implementing the existing regulation. It is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32994
NPRM Comment Period End	10/28/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/29/88 (53 FR 32994)

Additional Information: Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amends the "Buy America" provisions of Section 165 of the Surface Transportation Assistance Act of 1982. UMTA's current "Buy America" regulation was issued as an Emergency Final Rule on September 15, 1983, 48 FR 41564.

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA15

2020. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1989.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	04/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/00/89

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" schoolbus service.

Agency Contact: Daniel Duff, Assistant Chief Counsel, Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA09

2021. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/88

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA, RIN 2125-AB10.

Agency Contact: A. Joseph Ossi, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, **202 366-0096**

RIN: 2132–AA19

2022. ROLLING STOCK PURCHASE AUDITS

Significance: Nonsignificant

Legal Authority: 49 USC 1608(j)

CFR Citation: 49 CFR 663

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires an independent pre-award and post-delivery audit of the purchase of transit rolling stock with UMTA assistance to assure compliance with Federal motor-vehicle safety standards, Buy America requirements, and adherence to bid specification requirements. Manufacturer certification of compliance with this requirement is not sufficient and independent inspections and auditing are required by the statute.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

DOT—UMTA

Proposed Rule Stage

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/88

Agency Contact: **Daniel Duff**, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA29

2023. BUS TESTING GUIDELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary, by law, in Altoona, Pa.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 12/00/88

Additional Information: Section 12(h) of the UMT Act, as amended, defines a "new bus model" as a "bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components." UMTA plans to issue an NPRM in 1988.

Agency Contact: **Daniel Duff**, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA30

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

2024. + CONTROL OF DRUG USE IN FEDERALLY FUNDED MASS TRANSPORTATION OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1601; 49 USC 1602; 49 USC 1607; 49 USC 1618

CFR Citation: 49 CFR 653

Legal Deadline: None

Abstract: The purpose of this proposal is to eliminate the use of dangerous drugs by operators of mass transit vehicles or other transit safety sensitive workers. The proposal would require a recipient of Federal transit grants to certify that it has established a drug program consistent with the requirements of the regulation and providing for chemical testing of safety sensitive employees on a random basis as well as for pre-employment, post-accident, and reasonable suspicion.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25910
Notice of Public Hearings	07/12/88	53 FR 26289
Notice of Public Hearings	07/26/88	53 FR 28025
NPRM Comment Period End	09/06/88	53 FR 25910
Final Action	10/00/88	
Final Action Effective	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/08/88 (53 FR 25910)

Agency Contact: **Daniel Duff**, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, Room 9316, 400 7th St., SW, Washington, DC 20590, 202 366-4063

RIN: 2132–AA33

2025. + CHARTER SERVICE AMENDMENT

Significance: Agency Priority

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None

Abstract: This rulemaking would amend the regulation that implements section 3(f) of the UMT Act regarding charter bus operations by UMTA recipients. The amendment would concern the ability of certain nonprofit entities to obtain handicap-accessible vehicles for charter service, or to receive service that otherwise would be unavailable to them. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18964
Notice of Public Hearings	06/06/88	53 FR 20660
NPRM Comment Period End	07/25/88	53 FR 18964
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Sectors Affected: Multiple

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/25/88 (53 FR 18964)

Additional Information: On April 13, 1987, UMTA published its final rule on charter bus service. Under this regulation a recipient of UMTA funds is prohibited from providing any charter service using UMTA funded equipment or facilities if there is at least one available charter operator willing and able to provide the charter service that the recipient proposes to provide. Congress is concerned that, under the requirements of this regulation, non-profit entities may not be able to afford the services of private charter operators, or, in the case of certain organizations, obtain the necessary handicap-accessible vehicles for charter

DOT—UMTA **Final Rule Stage**

service. This proposed amendment would address those concerns.

Agency Contact: Theodore Munter, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA32

2026. CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: 49 USC 1607a(j)

CFR Citation: 49 CFR 639

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, November 28, 1987.

Abstract: This regulation would implement a statutory provision requiring UMTA to prescribe policies and procedures governing the eligibility for capital assistance under section 9 of the UMT Act, as amended, for leases of equipment and facilities where leasing is more cost-effective than purchase or construction.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18222
NPRM Comment Period End	07/19/88	53 FR 18222
Final Action	10/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA28

2027. PROJECT MANAGEMENT OVERSIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1619

CFR Citation: 49 CFR 633

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, September 29, 1987.

Abstract: This regulation would implement a statutory provision that permits UMTA to use a portion of the funding of its major capital programs to hire outside contractors to perform project management oversight of major capital projects, and require an UMTA grantee constructing a major capital project to prepare and, after UMTA approval, implement a project management plan.

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29709
NPRM Comment Period End	10/13/87	52 FR 29709
Final Action	10/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/88

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, **202 366-4063**

RIN: 2132–AA31

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Completed Actions

2028. INNOVATIVE TECHNIQUES AND METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Legal Deadline: None

Abstract: UMTA has withdrawn this rulemaking, which would have prescribed policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under section 4(i) of the UMT Act, as amended, because UMTA now uses a different method of project selection which does not require solicitation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
Withdrawn	09/07/88	53 FR 34560

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/01/80 (45 FR 79669)

Agency Contact: Joseph Goodman, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW, Room 6100, Washington, DC 20590, **202 366-0240**

RIN: 2132–AA05

2029. TECHNOLOGY INTRODUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1602

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: UMTA has withdrawn this rulemaking, which would have prescribed policies and procedures for administering the grant program for projects that would introduce new technology into public-transportation services under section 3(a)(1)(C) of the UMT Act, as amended, because UMTA now uses a different method of project selection which does not require solicitation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
Withdrawn	09/07/88	53 FR 34560

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOT—UMTA **Completed Actions**

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5832)

Agency Contact: Joseph Goodman, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW, Room 6100, Washington, DC 20590, 202 366-0240

RIN: 2132–AA07

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Prerule Stage

2030. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: DOT lacks comprehensive data on the number, volume, and other statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB43

2031. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements. This rulemaking is significant because it will achieve consistency in departmental treatment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB16

2032. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173.177; 49 CFR 397

Legal Deadline: None

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM Comment Period End	10/11/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-203. A public hearing was held on June 14, 1988, in Sacramento, California. Another public hearing is scheduled for September 15, 1988, in Washington, DC.

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB42

2033. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and

market data system for certificated and foreign air carriers. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB18

2034. REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Project 261-78

Agency Contact: D. Billings/W. Byrd, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA07

2035. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Legal Deadline: None

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Project 279-78

Agency Contact: D. Billings/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA10

2036. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department is considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 300-83.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA29

2037. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department is considering revising the requirements for DOT Specification 51 Portable Tanks. Consideration will also be given to adopting certain provisions of the recommendations of the United Nations and the International Maritime Organization.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 302-83.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA36

2038. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866

DOT—RSPA **Prerule Stage**

Action	Date	FR Cite
NPRM Comment Period End	09/04/86	51 FR 27223
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10780)

Additional Information: Docket No. HM-166.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA44

2039. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, these definitions may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB00

2040. SUBSIDIZED COMMUTER CARRIERS AND FOREIGN AIR CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB04

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2041. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This regulation proposes to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/88

Additional Information: Docket No. HM-126F

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB26

2042. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these

regulations with the recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-181A

Agency Contact: Charles Ke/D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA93

2043. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Suggested terminology is being coordinated with the Technical Pipeline Safety Standards Committee and State agencies in advance of a formal proposal for public comment.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137–AB15

2044. + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Based on the numerous public comments and recommendations of the Department's two pipeline safety advisory committees, many of the proposals put forth in the ANPRM will be withdrawn. Those not withdrawn will be further evaluated in special studies or become the subject of separate rulemakings.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/87	52 FR 4361
ANPRM Comment Period End	03/30/87	52 FR 4361
NPRM to be withdrawn	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: B. Liebler, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB27

2045. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invites comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-200

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB37

2046. + PIPELINE OPERATOR QUALIFICATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration,

400 Seventh Street, SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB38

2047. + OPERATION AND MAINTENANCE PROCEDURES FOR GAS PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB44

2048. + PRESSURE TESTING EXISTING HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum product pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to hidden material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on those product pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all product pipelines. This rulemaking is significant because of substantial public interest in the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB46

2049. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. In addition, operators would be required to provide this information to State agencies upon request. This is a significant action because of Congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/88

Additional Information: National Transportation Safety Board Recommendation P-87-34 and House Report 100-445 (Nov. 17, 1987) provide the bases for this action.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB48

2050. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This proposal involved new standards for classifying a material as a flammable solid. It is being incorporated into RIN 2138-AA01, Docket HM-181.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly Docket HM-178.

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4496

RIN: 2137–AA05

DOT—RSPA

Proposed Rule Stage

2051. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: The Department intends to propose exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/15/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/90

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AA28

2052. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department is considering this proposal to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AA30

2053. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/88

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AA63

2054. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AA92

2055. DELETION OF STANDARDS AFFECTING IRON AND COPPER PIPE AND OTHER MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This action proposes to delete the existing incorporation by reference of various documents intended for use in the design of gas pipelines. The materials to which the documents pertain are no longer generally used for gas pipelines so that reference to the documents can be deleted without affecting safety.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/87	52 FR 21087
ANPRM Comment Period End	08/03/87	52 FR 21087
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Docket No. PS-95

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4561**

RIN: 2137–AB24

2056. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicits comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB35

2057. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rule would require tank-car owners and repair facilities to inspect for cracks and other defects after certain tank-car repairs to assure that no defects exist. A DOT Task Force assessed tank-car inspection and repair procedures and identified two major issues on which the ANPRM seeks comment: (1) the adequacy of crack detection and (2) the ability to repair detected cracks without collateral damage.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment Period End	02/11/88	52 FR 46510
ANPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB40

2058. FUMIGATION

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 174

Legal Deadline: None

Abstract: This proposal would revise the placarding requirements in the Hazardous Materials Regulations (HMR) to recognize the requirements of the Environmental Protection Agency (EPA) which address the placarding of commodities which have been fumigated. Those portions of the HMR which address the fumigation placard would be removed from the HMR to avoid duplication with EPA's requirements for placarding commodities which have been fumigated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: E. Pritchard/D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB41

2059. CONFORMING GAS AND LIQUID PIPELINE WELDING STANDARDS: FINAL PHASE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action would be the last of a series of rulemakings undertaken to conform the gas and liquid pipeline welding standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB45

2060. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious safety problem that has caused recent deaths and injuries. This rulemaking action explores the need for additional regulations to lessen this potential for harm. Installation of gas detection and alarm systems and more specific operation and maintenance procedures for compressor stations are the alternatives being considered.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: National Transportation Safety Board Recommendation P-83-20 provides a basis for this action.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB49

2061. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB50

2062. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM is to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The ANPRM requests comments concerning ways to resolve the problems.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB51

2063. ● OPERATION OF EXISTING RURAL AND OFFSHORE GAS PIPELINES AT STRESS LEVELS HIGHER THAN PERMITTED FOR NEW PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This NPRM will propose to eliminate the "grandfather clause" of the natural gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Doug Chisholm, Chief, Research Unit, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, D.C. 20590, **202 366-1640**

RIN: 2137–AB53

2064. ● REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 174

Legal Deadline: None

Abstract: The purpose of the rulemaking is to update and rewrite the regulations contained in 49 CFR Part 174 which govern the transportation of hazardous materials by rail.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Delmer Billings, Chief, Regulations Development Branch, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB55

DOT—RSPA **Proposed Rule Stage**

2065. ● ETIOLOGIC AGENTS; PROPOSAL TO REMOVE THE 50 MILLILITER EXCEPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking will propose to revise the definition of an etiologic agent, and remove the 50-milliliter-per-package exemption for such agents.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/88

Agency Contact: Ann Boylan, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB56

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Research and Special Programs Administration (RSPA)

2066. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176; 49 CFR 178; 49 CFR 179

Legal Deadline: None

Abstract: To develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/16/82	47 FR 40816
ANPRM Comment Period End	01/13/83	47 FR 40816
NPRM	05/05/87	52 FR 16482
NPRM Comment Period extended to 02/26/88	09/08/87	52 FR 33906
Supplemental NPRM	11/06/87	52 FR 42772
NPRM Comment Period End	02/26/88	52 FR 33906
NPRM Comment Period extended to 05/25/88	04/14/88	53 FR 12442

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/05/87 (52 FR 16482)

Additional Information: Docket No. HM-181. A decision on whether to proceed with a final rule will be made following review and evaluation of comments to the docket. Comment period ended 5/25/88.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AA01

2067. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 217; 14 CFR 241

Legal Deadline: None

Abstract: DOT has proposed a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to evaluate existing bilateral agreements and reciprocity between U.S. and foreign countries. In addition, international charter data currently collected from carriers would be incorporated with this reporting. This nonstop market data should replace much of the data collected by the Immigration and Naturalization Service (INS) on Form I-92. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government. See 2137-AB01 for companion rule for U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NPRM Comment Period End	09/14/87	
NPRM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action	11/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 07/15/87 (52 FR 26498)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AA97

2068. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	53 FR 9653
NPRM Comment Period End	05/23/88	
Final Action	12/00/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 03/24/88 (53 FR 9653)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AA99

2069. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: Large U.S. air carriers file detailed service segment data in ADP format for scheduled operations, while smaller carriers file a condensed version on a hardcopy form. Charter data is filed on another form. The Department has issued a rulemaking proposing to incorporate all three systems onto one automated data system by standardizing the reporting between scheduled and charter operations. Much of the data currently collected is proposed for elimination. Also, much of the data reported on the hardcopy Form 41 T-Schedules is proposed for elimination, since data for these schedules can be extracted from the automated system. Further, the foreign air carrier traffic and market reporting (2137-AA97) will be incorporated into this automated system providing a uniform traffic and market system for the Department.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NPRM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action Effective	01/01/88	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 07/15/87 (52 FR 26498)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB01

2070. ● + CONTROL OF DRUG USE IN NATURAL GAS, LIQUEFIED NATURAL GAS, AND HAZARDOUS-LIQUID PIPELINE OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: The NPRM proposes to require operators of pipeline facilities, other than master meter systems, used for the transportation of natural gas or hazardous liquids, and operators who produce and store liquefied natural gas, to have a drug program for individuals who perform specific sensitive safety and security related functions.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25892
Notice of Public Hearing	07/14/88	53 FR 26615
Notice of Public Hearing	08/24/88	53 FR 32263
NPRM Comment Period End	09/06/88	53 FR 25892

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 07/08/88 (53 FR 25892)

Additional Information: Docket No. PS-102

Agency Contact: C. DeLeon, Assistant Director for Regulation, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB54

2071. + REQUIREMENTS FOR CARGO TANKS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None

DOT—RSPA **Final Rule Stage**

Abstract: The rule would modify cargo tank specifications in section 178.337-178.343 to improve clarity, quality control and safety and to provide for the manufacture of vacuum-loaded cargo tanks. It would also provide inspection, test, maintenance, repair, and requalification standards for cargo tanks. This rulemaking is being performed in conjunction with the FHWA. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Additional Information: Docket Nos. HM-183, 183A.

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA42

2072. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. This rulemaking is significant because of substantial public interest due to safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	03/27/87	52 FR 9996
NPRM Comment Period End	07/29/87	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/27/87 (52 FR 9996)

Additional Information: Docket HM-36B.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA51

2073. + COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: DOT is proposing to collect basic financial information from the commuter carriers providing scheduled passenger service. Data would be used for fitness reviews; various economic analyses such as trust-fund revenue generation; airport and airways development; econometric modeling and regulatory cost-benefit analysis to aid aviation policy and regulatory decisions; and FAA's allocation planning for its inspection resources. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12774
NPRM Comment Period End	06/20/88	53 FR 12774
Final Action	10/00/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/19/88 (53 FR 12774)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AA98

2074. + NATURAL GAS AND HAZARDOUS LIQUID PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 2002(e)

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of hazardous liquid pipeline accidents are caused by excavation damage. Experience has shown that excavation accident rates diminish when operators participate in "one-call" damage prevention programs. The Federal gas pipeline safety regulations now require that gas operators participate in such programs. This action would apply a similar requirement to operators of hazardous liquid pipelines. This is a significant action because of the widespread interest in the use of "one-call" programs to prevent damage to buried pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24747)

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB47

DOT—RSPA

Final Rule Stage

2075. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	41 FR 1179

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA08

2076. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Development of new standards for classifying a material as an oxidizing material.This proposal is being incorporated into RIN 2137-AA01, Docket HM-181.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294
Consolidation Notice	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly Docket HM-179.

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA11

2077. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/84 (49 FR 38164)

Additional Information: Docket No. HM-126E.

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA25

2078. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking responds to a Department of Energy request that DOT improve the water resistance of overpacks used in the transportation of enriched uranium hexafluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Additional Information: Docket No. HM-190.

Agency Contact: A.W. Carriker/J.A. Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA72

2079. LIMITATION ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposes removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information: Further action to be determined based on NPRM comments.

Agency Contact: Ann Boylan, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA85

2080. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

DOT—RSPA **Final Rule Stage**

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring additional emergency response information on shipping papers and in vehicles when transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	08/20/87	52 FR 31486
NPRM Comment Period extended to 12/22/87	09/04/87	52 FR 33611
NPRM Comment Period End	09/21/87	52 FR 31486

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/87 (52 FR 31486)

Additional Information: HM-126C

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AA88

2081. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 171.7; 49 CFR 173.20

Legal Deadline: None

Abstract: RSPA proposes to amend the Hazardous Materials Regulations to permit the continued use of packagings that do not meet the requirements of the American National Standards Institute (ANSI) Standard N 14.1 - 1987, DOT Class 106 A multi-unit tank car tanks, and certain packagings not manufactured in accordance with ANSI N 14.1-87. These latter packagings will be required to be manufactured in accordance with an earlier edition of ANSI 14.1, or be manufactured and stamped in accordance with Section VIII, Division 1 of the ASME Code. RSPA has determined that these packagings, which have been used safely in the past, should be permitted to continue in use.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46674
Emergency Final Rule	03/12/87	52 FR 7581
NPRM New	07/06/87	52 FR 25342
Revision to Final Rule	07/06/87	52 FR 25340
Amended NPRM	04/06/88	53 FR 11320
Comment period ends	05/06/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/11/86 (51 FR 12529)

Additional Information: Docket No. HM-166V.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AB10

2082. EXCEPTION FROM PRESSURE TESTING NON-WELDED TIE-IN JOINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.503(d)

Legal Deadline: None

Abstract: The current exception from pressure testing welded tie-in joints would be expanded to include all types of tie-in joints. This change would be consistent with the intent of the original rule and would have minimal cost impact.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1045
NPRM Comment Period End	02/29/88	53 FR 1045
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 01/15/88 (53 FR 1045)

Additional Information: Docket No. PS-98.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB19

2083. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None

Abstract: This action proposes an alternate method for confirmation or revision of the maximum allowable operating pressure of pipelines previously tested to less than 90 percent of specified minimum yield strength. The alternate method would allow operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1043
NPRM Comment Period End	03/15/88	53 FR 1043
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 01/15/88 (53 FR 1043)

DOT—RSPA

Final Rule Stage

Additional Information: Docket No. PS-97.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB20

2084. REAR BUMPERS ON CARGO TANK TRUCKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: Proposes to provide a period of 36 months to allow operators of cargo tank trucks operated in combination with cargo tank full trailers to modify their front units by adding the required rear bumper.

This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28605
NPRM Comment Period End	09/22/86	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/08/86 (51 FR 28605)

Additional Information: Docket No. HM-183B.

Agency Contact: James O'Steen/D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AB34

2085. STANDARDS FOR CONSTRUCTION OF FIREWORKS AND NOVELTIES; APPROVAL FOR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171; 49 CFR 173

Legal Deadline: None

Abstract: Proposes to eliminate a requirement for examination of fireworks prior to their approval for transportation by the Director, Office of Hazardous Materials Transportation.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4348
NPRM Comment Period End	04/04/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/12/88 (53 FR 4348)

Additional Information: Formerly entitled Standards for Construction of Fireworks and Approval for Transportation.

Agency Contact: Hattie L. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4515

RIN: 2137–AB36

2086. SHIPPERS: USE OF TANK-CAR TANKS WITH LOCALIZED THIN SPOTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This notice proposes to allow the use of railroad tank-car tanks with shell thicknesses in localized areas of less than the minimum currently allowed. The rule would require that tank shells be measured under specific conditions to ensure that the results of repairs do not further decrease shell thickness or result in a reduction in the level of safety. Under the existing rule, owners are required to bring tanks into conformance or remove them from hazardous materials service. This proposal would allow the tank cars to conform to a less stringent standard thereby avoiding the substantial costs associated with complete restoration or purchase of a new tank car, while still ensuring an adequate level of safety.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46511
NPRM Comment Period End	02/11/88	52 FR 46511
SNPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/08/87 (52 FR 46511)

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB39

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Research and Special Programs Administration (RSPA)

2087. + CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Legal Deadline: None

Abstract: This rule would have considered whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for what length of time. This rulemaking was terminated. Confidentiality issues will be addressed as appropriate in individual rulemakings.

DOT—RSPA **Completed Actions**

Timetable:

Action	Date	FR Cite
Action Terminated	05/20/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB05

2088. + REPORTING UNSAFE CONDITIONS ON GAS AND HAZARDOUS LIQUID PIPELINES AND AT LIQUEFIED NATURAL GAS FACILITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1672(a); 49 USC 2002(a)

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: Final, Statutory, October 22, 1987.

Abstract: Operators are required to report within five days of discovery any condition that could be an imminent danger or affect pipeline operational safety. The report will enable State and Federal agencies to investigate promptly.

Timetable:

Action	Date	FR Cite
NPRM	09/25/87	52 FR 36068
NPRM Comment Period End	11/09/87	52 FR 36068
Final Action	07/01/88	53 FR 24942
Correction Notice to Final Rule	07/13/88	53 FR 26560
Correction to Final Rule	08/08/88	53 FR 29800
Final Action Effective	09/29/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/25/87 (52 FR 36068)

Additional Information: Docket PS-96

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2392**

RIN: 2137–AB23

2089. MOLTEN SULFUR

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 177

Legal Deadline: None

Abstract: RSPA amended the Hazardous Materials Regulations (HMR) to regulate molten sulfur as an ORM-C material. This material is now subject to the hazard communication, general packaging, and incident reporting requirements contained in the HMR.

Timetable:

Action	Date	FR Cite
NPRM	11/21/86	51 FR 42114
NPRM Comment Period End	02/19/87	51 FR 42114
Final Action	05/13/88	53 FR 17158
Final Action Effective	01/02/89	53 FR 17158

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 11/21/86 (51 FR 42114)

Additional Information: Docket No. HM-198. While these amendments are effective on January 2, 1989, compliance is authorized as of June 13, 1988.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB31

2090. STATE DESIGNATIONS OF ALTERNATIVE ROUTES FOR RADIOACTIVE MATERIALS TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: Final rule amends the Hazardous Materials Regulations to require that when a State routing agency designates an alternative route for the transportation of highway route controlled quantities of radioactive materials, the State must give written notice of such designations to RSPA. The creation of a repository for these designations will provide shippers, carriers, enforcement and emergency-response personnel, State agencies, local governments, and RSPA with definitive information concerning those alternative routes.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26928
NPRM Comment Period End	08/31/87	52 FR 26928
Final Action	05/12/88	53 FR 16990
Final Action Effective	09/09/88	53 FR 16990

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 07/16/87 (52 FR 26928)

Additional Information: Docket No. HM-164A.

Agency Contact: John Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB32

2091. NOTIFICATION TO RSPA OF ROUTE PLANS FOR RADIOACTIVE MATERIALS TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: Final rule requires carriers, rather than shippers, to give written notice to RSPA of route plans and other information relating to transportation of highway route controlled quantities of radioactive materials.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26932
NPRM Comment Period End	08/31/87	52 FR 26932
Final Action	05/12/88	53 FR 16991
Final Action Effective	07/11/88	53 FR 16991

Small Entities Affected: None

DOT—RSPA

Completed Actions

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/16/87 (52 FR 26932)

Additional Information: Docket No. HM-164B.

Agency Contact: John Gale, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB33

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2092. + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1156

CFR Citation: 46 CFR 250

Legal Deadline: None

Abstract: This regulation now establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies. This rulemaking is significant due to substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2282

RIN: 2133–AA62

2093. ● + PROCEDURES GOVERNING THE EVALUATION OF BIDS FOR THE CARRIAGE OF PREFERRED CARGOES ON SUBSIDIZED VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This action seeks to elicit public comment to assist in evaluating requests received from an operator and another Department that MARAD expand the scope of its procedures concerning evaluation of bids for the carriage of preference cargoes to apply to all types of preference cargo, specifically, including civilian purchased preference and military cargoes. Existing procedures apply only to bulk cargoes. This proceeding is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh St. S.W. Washington, D.C. 20590, 202 366-2323

RIN: 2133–AA77

2094. REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL, OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to modifications in federal support.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5755

RIN: 2133–AA57

2095. ● APPROVAL OF VESSEL CHARTERS TO NONCITIZENS

Significance: Nonsignificant

Legal Authority: 46 USC App 808; 46 USC App 839; 46 USC App 1114(b)

CFR Citation: 46 CFR 221.7

Legal Deadline: None

Abstract: MARAD has received a petition for rulemaking from an association representing oil-drilling contractors requesting that MARAD expand the scope of its general approval of charters to noncitizens (without obtaining prior MARAD approval) to include (1) intra-company charters of mobile offshore drilling units (MODUs) regardless of their duration; and (2) all bareboat charters and subcharters of MODUs to facilitate their employment in foreign business activities. MARAD will consider the need for such approvals as well as for other types of vessels.

DOT--MarAd

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 448 Water Transportation of Passengers

Agency Contact: Jessie Fernanders, Vessel Transfer & Disposal Officer, Department of Transportation, Maritime Administration, 400 Seventh St., SW., Room 2112, Washington, DC 20590, 202 366-5111

RIN: 2133-AA73

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Proposed Rule Stage

2096. + OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; EXCLUSION OF COMMERCIAL CARGOES RESERVED FOR U.S.-FLAG CARRIERS

Significance: Regulatory Program

Legal Authority: 46 USC 1114, (Appendix)

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: The Maritime Administration (MARAD) has entered into operating-differential subsidy contracts (ODSA) with operators of bulk cargo vessels that provide for the subsidized carriage of commercial cargo in the oceanborne foreign commerce of the United States and between foreign ports. These ODSAs specifically exclude the carriage of statutory-preference cargoes, but are silent about the cargoes that, while not preference cargoes according to a district court decision that was affirmed by the Court of Appeals for the District of Columbia, are reserved to U.S.-flag carriers by agreement of a foreign country that is a recipient of United States foreign assistance, in the form of cash transfers or grants. MARAD intends to propose a rulemaking that states the policy of not paying ODS on these cargoes that are reserved to U.S.-flag vessels at premium rates and are not subject to foreign competition, based on the conclusion that these are not "commercial" cargoes within the contemplation of the ODSA provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edmond Fitzgerald, Director, Off. of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA66

2097. + CARGO PREFERENCE -- IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: These amendments to the existing cargo-preference regulations would implement S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. Action is pending disposition of litigation in Fed. Dist. Ct. case (ED Wisc) involving allocation of Preference Cargoes to port ranges. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Draft Evaluation 10/15/88

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5517

RIN: 2133-AA55

2098. PROCEDURES FOR HEARINGS ON ODS APPLICATIONS FOR ADDITIONAL SERVICE

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 208 (New)

Legal Deadline: None

Abstract: Regulations would establish procedures for hearings by the Maritime Subsidy Board on applications by subsidized operators to provide subsidized service in addition to that allowed by their ODS agreements. Hearings are required by section (605c), Merchant Marine Act 1936, as amended (46 App USC 1175(c)). This rulemaking will be more limited in scope than what was to be developed in previous NPRM -- "Rules Of Practice and Procedures For Hearing In ODS Applications."

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
NPRM Comment Period End	08/24/79	
SNPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA20

2099. REQUIREMENTS FOR CONDUCTING VESSEL SUBSIDY CONDITION SURVEYS AND FOR ACCOMPLISHING SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); 46 USC 1173

DOT—MarAd

Proposed Rule Stage

CFR Citation: 46 CFR 272

Legal Deadline: None

Abstract: MARAD is considering a proposal to amend its regulations concerning the requests for conducting condition surveys of subsidized vessels and accomplishing subsidized maintenance and repairs, in order to conform the regulations to reflect existing procedures of the agency and to advise the public of MARAD organizational changes.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: John J. Davis, Chief, Div. of Ship Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-5776

RIN: 2133–AA64

2100. CAPITAL CONSTRUCTION FUND -- FEDERAL TAX AMENDMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 390.391

Legal Deadline: None

Abstract: The Maritime Administration is amending its regulations concerning the Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (P.L. 99-514) relative to the operation of a CCF.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Agency Contact: Jean E. McKeever, Chief, Div. of Capital Assets Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-1905

RIN: 2133–AA65

2101. CARGO PREFERENCE -- U.S.-FLAG VESSELS; DEPARTMENT OF DEFENSE SPONSORED AND GENERATED OCEANBORNE CARGOES

Significance: Nonsignificant

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: MARAD is formalizing procedures that have been adopted by one or more agencies within the Department of Defense (DOD) to accomplish compliance with two cargo preference statutes that require that minimum specified percentages of oceanborne cargoes sponsored and generated by DOD be carried on privately owned U.S.-flag commercial vessels, and is making each of these procedures applicable to all DOD agencies, where appropriate. Most of these procedures are now contained in internal DOD documents.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 473 Arrangement of Transportation of Freight and Cargo; 971 National Security

Agency Contact: S. Thomas Romeo, Chief, Division of National Cargo, Department of Transportation, Maritime Administration, 400 Seventh Street SW (MAR-820), Room 7209, Washington, DC 20590, 202 366-4610

RIN: 2133–AA69

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Final Rule Stage

2102. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would base those rates on a vessel's actual or constructed costs as determined from data submitted by the operator. It would establish requirements for submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
SNPRM Supplemental	12/17/86	51 FR 45135
SNPRM Comments due by 8/12/88	06/28/88	53 FR 24324
Notice of Public Hearing	08/22/88	53 FR 31870
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Supplemental Draft Evaluation 12/17/86 (51 FR 45135)

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair

and Reasonable Rates for Liners (RIN 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133–AA43

2103. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Legal Deadline: None

Abstract: These regulations would implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936 (46 App. U.S.C. 1184).

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
To Be Withdrawn	10/10/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Additional Information: NPRM being withdrawn because the Maritime Subsidy Board final Opinion and Order in Docket S-764, that does not require CDS repayment for bulk vessels carrying preference cargoes, is a more attractive alternative for operators than ODS suspension that requires CDS repayment. Also, operator of only liner vessels to make election is in bankruptcy.

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2256

RIN: 2133–AA17

2104. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None

Abstract: These amendments would reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by Agents under Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/14/86	51 FR 17659
NPRM Comment Period End	07/14/86	
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 05/14/86 (51 FR 17659)

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133–AA51

2105. GENERAL PROCEDURES FOR DETERMINING OPERATING DIFFERENTIAL SUBSIDY FOR LINER VESSELS

Significance: Nonsignificant

Legal Authority: 46 App USC 1114(b)

CFR Citation: 46 CFR 282

Legal Deadline: None

Abstract: The Maritime Administration (MARAD) proposes to amend the procedure for determining ODS for liner vessels operating in the foreign commerce of the United States. In determining rates for wage subsidy, MARAD proposes to use the U.S./foreign cost relationship at a point in time that is one year earlier than the date now used, and would also use a different and longer period as the basis for calculating the respective currency exchange rates.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14822
NPRM Comment Period End	06/27/88	
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 448 Water Transportation of Passengers

Analysis: Regulatory Evaluation 04/26/88 (53 FR 14822)

Agency Contact: Arthur Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, DOT/MARAD (560) 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133–AA67

2106. OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICE

Significance: Nonsignificant

Legal Authority: 46 App. USC 1114(b)

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: The Maritime Administration proposes to amend the procedure for determining ODS for bulk cargo vessels operating in the foreign commerce of the United States. In determining rates for wage subsidy, MARAD proposes to use the U.S./foreign cost relationship at a point in time that is one year earlier than the date now used, and would also use a different and longer period as the basis for calculating the respective currency exchange rates.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14821
NPRM Comment Period End	06/27/88	
Final Action	10/03/88	

DOT—MarAd

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 448 Water Transportation of Passengers

Analysis: Regulatory Evaluation 04/26/88 (53 FR 14821)

Agency Contact: Arthur Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, DOT/MARAD (560) 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133–AA68

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Maritime Administration (MarAd)

2107. + APPROVAL OF MARINE HULL UNDERWRITERS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Legal Deadline: None

Abstract: This final rule establishes MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41531
ANPRM Comment Period End	11/12/85	50 FR 41531
Public meeting	04/17/86	
NPRM	10/16/87	52 FR 33481
NPRM Comment Period End	12/15/87	52 FR 33481
Comment Period extended to 01/15/88	12/17/87	52 FR 48077
Final Action	06/20/88	53 FR 23112
Final Action Effective	07/20/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/20/88 (53 FR 23112)

Agency Contact: William B. Ebersold, Maritime Aids Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8126, Washington, DC 20590, **202 366-0364**

RIN: 2133–AA50

2108. + CARGO PREFERENCE, U.S.-FLAG VESSELS: EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This regulation establishes procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag-liner vessel operators for the carriage of open rated civilian and military preference cargoes. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5015
NPRM Comment Period End	04/11/86	
Final Action	06/28/88	53 FR 24270
Final Action Effective	07/28/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 06/28/88 (53 FR 24270)

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133–AA52

2109. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Significance: Nonsignificant

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Legal Deadline: None

Abstract: Rulemaking would have proposed procedures that would assist preparation of standard forecasts of liner cargo (if a Final Rule covering CDS procedures is issued) in which forecast procedures would be included. It is being terminated as no longer considered necessary to development of the principal rulemaking under consideration.

Timetable:

Action	Date	FR Cite
Action terminated	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2400**

RIN: 2133–AA16

[FR Doc. 88-22738 Filed 10-21-88; 8:45 am]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 2835/Pub. L. 100-498

To direct the Secretary of Agriculture to release certain

restrictions on a parcel of land located in Henderson, Tennessee. (Oct. 18, 1988; 102 Stat. 2489; 2 pages) Price: $1.00

H.R. 4354/Pub. L. 100-499

Winding Stair Mountain National Recreation and Wilderness Area Act. (Oct. 18, 1988; 102 Stat. 2491; 10 pages) Price: $1.00

H.R 4365/Pub. L. 100-500

To designate the Sunderland National Salmon Station located in Sunderland, Massachusetts, as the "Richard Cronin National Salmon Station." (Oct. 18, 1988; 102 Stat. 2501; 1 page) Price: $1.00

H.R 5291/Pub. L. 100-501

To provide the Secretary of the Air Force with authority to convey certain land. (Oct. 18, 1988; 102 Stat. 2502; 2 pages) Price: $1.00

H.J. Res. 602/Pub. L. 100-502

In support of the restriction of a free and independent Cambodia, the withdrawal of Vietnamese forces, and the protection of the Cambodian people from a return to power by the genocidal Khmer Rouge. (Oct. 18, 1988; 102 Stat. 2504; 3 pages) Price: $1.00

S. 496/Pub. L. 100-503

Computer Matching and Privacy Protection Act of 1988. (Oct. 18, 1988; 102 Stat. 2507; 8 pages) Price: $1.00

S. 908/Pub. L. 100-504

Inspector General Act Amendments of 1988. (Oct. 18, 1988; 102 Stat. 2515; 18 pages) Price: $1.00

S. 945/Pub. L. 100-505

Abandoned Infants Assistance Act of 1988. (Oct. 18, 1988; 102 Stat. 2533; 5 pages) Price: $1.00

S. 1626/Pub. L. 100-506

To keep secure the rights of intellectual property licensors and licensees which come under the protection of title 11 of the United States Code, the bankruptcy code. (Oct. 18, 1988; 102 Stat. 2538; 3 pages) Price: $1.00

S. 2800/Pub. L. 100-507

To amend the Nuclear Waste Policy Act of 1982 with respect to the Office of the Nuclear Waste Negotiator and the Monitored Retrievable Storage Commission. (Oct. 18, 1988; 102 Stat. 2541; 1 page) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.l15New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda, contact Richard S. Carro, Associate General Counsel, Room 1422, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 566-2558, not a toll-free call.

Dated: September 6, 1988.

Jennifer A. Sour,

Acting Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2110	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos	1505-AA10
2111	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2112	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Recordkeeping Requirements by Casinos	1505-AA30

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2113	17 CFR 400 Clarifying Amendments to Regulations Issued Under the Government Securities Act of 1986	1505-AA21
2114	31 CFR 103.25 Bank Secrecy Act; Transactions with Foreign Financial Agencies	1505-AA29

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage
Departmental Offices (DO)

2110. ● PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Final Action	11/00/88	

Small Entities Affected: None

TREAS—DO **Proposed Rule Stage**

Government Levels Affected: None

Agency Contact: John M. Zoscak, Jr., Attorney-Advisor, Office of the Assistant General Counsel (Enforcement), Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 2000, Washington, DC 20220, 202 566-2914

RIN: 1505–AA10

2111. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend public comment period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 535-6787

RIN: 1505–AA17

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Final Rule Stage

2112. ● PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5313

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations would require that casinos otherwise subject to the regulations retain the records that they use for monitoring customers' gaming activities. The proposed regulations also would require casinos that input, retain, or store certain information on computer disk, tape, or other machine-readable media to retain such information in machine-readable form.

Timetable:

Action	Date	FR Cite
NPRM	04/07/88	53 FR 11513
NPRM Comment Period End	05/09/88	53 FR 11513
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy G. Rudnick, Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 4320, Washington, DC 20220, 202 566-8022

RIN: 1505–AA30

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Completed Actions

2113. ● CLARIFYING AMENDMENTS TO REGULATIONS ISSUED UNDER THE GOVERNMENT SECURITIES ACT OF 1986

Legal Authority: 15 USC 78o-5; 31 USC 3121; 31 USC 9110

CFR Citation: 17 CFR 400; 17 CFR 402 to 404; 17 CFR 450

Legal Deadline: None

Abstract: These regulations clarify regulations previously issued pursuant to the Government Securities Act of 1986. They resolve technical problems and omissions in the regulations, make conforming changes, and clarify the Department's intent with respect to certain provisions that have raised questions.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 08598
NPRM Comment Period End	04/14/88	53 FR 08598
Final Action	08/01/88	53 FR 28978
Final Action Effective	08/01/88	53 FR 28978

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Meister, Government Securities Specialist, Department of the Treasury, Departmental Offices, Bureau of the Public Debt, Room 209, 999 E Street, NW, Washington, DC 20239-0001, 202 376-4632

RIN: 1505–AA21

2114. BANK SECRECY ACT; TRANSACTIONS WITH FOREIGN FINANCIAL AGENCIES

Legal Authority: 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103.25

Legal Deadline: None

Abstract: The proposed amendments would increase the utility of reporting under the Bank Secrecy Act by authorizing the reporting of completed as well as future transactions and preventing financial institutions from

informing customers or other parties of a reporting requirement imposed under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39922
NPRM Comment Period End	12/28/87	52 FR 39922
Final Action	03/29/88	53 FR 10071
Final Action Effective	04/28/88	53 FR 10071

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jonathan J. Rusch, Assistant to the Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-2516

RIN: 1505–AA29

[FR Doc. 88-21374 Filed 10-21-88; 8:45 am]

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

W. E. Douglas,

Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2115	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00
2116	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method	1510-AA09
2117	31 CFR 235 Time Limitation on Payment and Cancellation of Treasury Checks and Reclamation Actions and Claims	1510-AA11
2118	31 CFR 225, (Revision) Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds	1510-AA13

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2119	31 CFR 203 Regulations Governing Compensation for Services Rendered	1510-AA14

Financial Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2120	31 CFR 223, (Revision) Regulations Governing Surety Companies Doing Business with the United States	1510-AA12

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Financial Management Service (FMS)

2115. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.

Agency Contact: Michael C. Salapka, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 420B, Washington, DC 20227, **202 287-0590**

RIN: 1510–AA00

2116. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR Part 210 will clarify the breadth of payments governed by the regulations. These include non-benefit payments such as vendor payments, miscellaneous payments. Internal Revenue Service (IRS) tax refunds, savings bonds, grants and loans. It will also include the payment of discretionary allotments of net pay of Federal employees' salaries by DD/EFT. Electronic funds thus transferred through the Federal Reserve System eliminate the possibility of checks being lost, stolen, or forged. The Federal Government's operating efficiency will be improved, productivity will be increased, and the costs associated with the current methods will be reduced.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 144
NPRM Comment Period End	09/26/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheryl Morrow, Manager, Policy and Research Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 328, Washington, DC 20227, **202 287-0308**

RIN: 1510–AA09

2117. TIME LIMITATION ON PAYMENT AND CANCELLATION OF TREASURY CHECKS AND RECLAMATION ACTIONS AND CLAIMS

Significance: Agency Priority

Legal Authority: PL 100-86, Sec 1005 Title X; 31 USC 3328; 31 USC 3334; 31 USC 3712(a)

CFR Citation: 31 CFR 235; 31 CFR 240; 31 CFR 245

Legal Deadline: Final, Statutory, October 1, 1989.
The Secretary of the Treasury, using his legal authority, extended the date the amendments shall become effective to 10/01/89. The notice of the extension appears at 53 FR 3584

Abstract: These regulations are required under PL 100-86, Sec 1005, and they will prescribe rules and procedures necessary in order to implement the time limitation on payment and cancellation of Treasury checks and reclamation actions and claims.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David A. Ingold, Chief Counsel, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 531, Washington, DC 20227, **202 287-0673**

RIN: 1510–AA11

2118. ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Significance: Agency Priority

Legal Authority: 31 USC 9303

CFR Citation: 31 CFR 225, (Revision)

Legal Deadline: None

Abstract: The revision will address changes to definitions in the areas of authorized depositories and acceptable securities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC, 20227, **202 287-3915**

RIN: 1510–AA13

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2119. ● REGULATIONS GOVERNING COMPENSATION FOR SERVICES RENDERED

Significance: Agency Priority

Legal Authority: 31 USC 3122; 31 USC 323

CFR Citation: 31 CFR 203

Legal Deadline: None

Abstract: Revision of 31 CFR 203 Part 203 will reduce the per item fees paid to depositaries for processing Federal tax deposits. The purpose of the revision is to implement a phased-in elimination of fees paid by the Federal Government associated with the processing of Federal tax deposits.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	04/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael C. Salapka, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Room 420B, 401 14th Street, SW, Washington, DC 20227, 202 287-0590

RIN: 1510–AA14

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Final Rule Stage

2120. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309

CFR Citation: 31 CFR 223, (Revision)

Legal Deadline: None

Abstract: The revision makes editorial changes, and contains substantive changes to sections concerning business experience, collateral and reinsurance requirements. Substantive changes include: 1) a 3-year aging requirement in order to qualify for Treasury certification, 2) elimination of the alternative to use collateral for protecting excess risks, and 3) a requirement that all reinsurance on Federal bonds be placed with companies recognized by Treasury for reinsurance purposes. The proposed regulations provide provisions for exceptions to the aging and reinsurance regulations under certain circumstances. These regulations will help Treasury ensure that certified companies are capable of carrying out their surety contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29039
NPRM Comment Period End	10/19/87	52 FR 37334
Final Action	11/30/88	
Final Action Effective	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC 20227, 202 287-3915

RIN: 1510–AA12

[FR Doc. 88-21375 Filed 10-21-88; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 672]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 3(a) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of April 1989.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weins, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566-7626.

TREAS—BATF

Issuance

By Direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 17, 1988.

Stephen E. Higgins,

Director.

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2121	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2122	27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
2123	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2124	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2125	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2126	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2127	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2128	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77
2129	27 CFR 5.39 Label Disclosure for Brandy Treated with Wood	1512-AA81
2130	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2131	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2132	27 CFR 9 American Viticultural Areas	1512-AA07
2133	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2134	27 CFR 197 Nonbeverage Drawback	1512-AA20
2135	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2136	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2137	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2138	27 CFR 4.35 Winemaking Terminology	1512-AA70
2139	27 CFR 7 Use of Terms in the Labeling and Advertising of Malt Beverages Having an Alcohol Content of Less Than .5% by Volume	1512-AA73
2140	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2141	27 CFR 55 Fireworks Regulations	1512-AA52
2142	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2143	27 CFR 25 Operation of a Retail Beer Dealership for on-premises consumption at a Brewery	1512-AA78
2144	27 CFR 72 Amendments to the Gun Control Act of 1968	1512-AA75
2145	27 CFR 178 Restrictions on Manufacture, Importation and Sale of Armor Piercing Ammunition	1512-AA79
2146	27 CFR 178 Simplified Recordkeeping for Low-volume Firearms Dealers	1512-AA80

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Proposed Rule Stage

ALCOHOL

2121. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA17

2122. GRAPE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4.29

Legal Deadline: None

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA31

2123. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period End	12/31/86	
NPRM	06/17/88	53 FR 22678
NPRM Comment Period End	08/15/88	
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Extended Comment Period End	11/15/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA48

2124. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA50

2125. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we

plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20026, 202 566-7531

RIN: 1512–AA69

2126. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12024
NPRM Comment Period End	07/11/88	
NPRM Comment Period Extended	07/13/88	53 FR 26448
NPRM Extended Comment Period End	10/11/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Colozzi, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 535-6245

RIN: 1512–AA71

2127. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA72

2128. STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

Legal Deadline: None

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 26385
ANPRM Comment Period Extended	08/14/87	52 FR 30390
ANPRM Comment Period End	08/24/87	
ANPRM Extended Comment Period End	10/23/87	
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512–AA77

2129. LABEL DISCLOSURE FOR BRANDY TREATED WITH WOOD

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.39

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations in 27 CFR Part 5 concerning the wording, and placement, of the disclosure statement for brandy treated with wood.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 18574
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Comment Period End	08/22/88	
NPRM Extended Comment Period End	11/22/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue,

TREAS—BATF **Proposed Rule Stage**

NW, Washington, DC 200226, **202 566-7626**

RIN: 1512–AA81

TOBACCO PRODUCTS

2130. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512–AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Final Rule Stage

ALCOHOL

2131. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9873
NPRM Comment Period End	06/25/87	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512–AA06

2132. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Cayuga Lake, NY (contact Jim Ficaretta)
NPRM 09/16/87 (52 FR 34927)
NPRM Comment Period End 10/16/87
Final Action 03/25/88 (53 FR 9768)

Fredericksburg in the Texas Hill Country (contact R. White)
NPRM 02/19/88 (53 FR 4999)
NPRM Comment Period End 04/04/88
Final Action 12/00/88

Middle Rio Grande Valley, NM (contact Ed Reisman)
NPRM 05/26/87 (52 FR 19535)
NPRM Comment Period End 06/29/87
Final Action 02/02/88 (53 FR 2834)

Santa Clara Valley, CA (contact Ed Reisman)
NPRM 02/04/88 (53 FR 3214)
NPRM Comment Period End 03/07/88
Final Action 02/00/89

Stags Leap District, CA (contact Jim Ficaretta)
NPRM 02/11/87 (52 FR 4350)
NPRM Comment Period End 04/13/87
Final Action 12/30/88

Warren Hills, NJ (contact Steve Simon)
NPRM 09/29/87 (52 FR 36432)
NPRM Comment Period End 11/13/87
Final Action 08/08/88 (53 FR 29674)

Western Connecticut Highlands, CT (contact Ed Reisman)
NPRM 08/11/87 (52 FR 29705)
NPRM Comment Period End 09/25/87
Final Action 02/09/88 (53 FR 3745)

Wild Horse Valley, CA (contact Ed Reisman)
NPRM 09/16/87 (52 FR 34924)
NPRM Comment Period End 11/02/87
Final Action 12/00/88

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA07

2133. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

TREAS—BATF **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA10

2134. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SMALL BUSINESSES COUNT: This regulation effects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA20

2135. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period End	12/31/86	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA42

2136. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
NPRM Extended Comment Period End	03/01/85	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA61

2137. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7569

RIN: 1512–AA67

2138. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is proposing to define words denoting winemaking operations

for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA70

2139. USE OF TERMS IN THE LABELING AND ADVERTISING OF MALT BEVERAGES HAVING AN ALCOHOL CONTENT OF LESS THAN .5% BY VOLUME

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 7

Legal Deadline: None

Abstract: ATF is proposing to incorporate into the regulations two Rulings (Rev. Rul. 57-322 and ATF Rul. 85-11) regarding the use of the terms "Non-Alcoholic," "Alcohol-Free," "Near Beer," and "Cereal Beverage" in the labeling and advertising of Malt Beverages.

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39666
NPRM Comment Period End	01/28/87	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA73

2140. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages, because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33603
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA76

FIREARMS

2141. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841-848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: Information gathering on safe handling of explosive materials in the fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	07/20/88	53 FR 27452
NPRM Comment Period End	09/19/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7591**

RIN: 1512–AA52

TOBACCO PRODUCTS

2142. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512–AA28

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Bureau of Alcohol, Tobacco and Firearms (BATF)

2143. OPERATION OF A RETAIL BEER DEALERSHIP FOR ON-PREMISES CONSUMPTION AT A BREWERY

Significance: Agency Priority

Legal Authority: 26 USC 5411

CFR Citation: 27 CFR 25

Legal Deadline: None

Abstract: ATF is proposing to establish criteria and procedures for operating a retail beer dealership for on-premises consumption at a brewery. This proposal is the result of a petition submitted by Mr. Bill Owens, proprietor of Buffalo Bill's Brewery, located in Hayward, CA.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32814
NPRM Comment Period End	10/30/87	
Final Action	03/16/88	53 FR 8626
Final Action Effective	04/15/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA78

2144. AMENDMENTS TO THE GUN CONTROL ACT OF 1968

Significance: Agency Priority

Legal Authority: PL 99-308; PL 99-360

CFR Citation: 27 CFR 72; 27 CFR 178; 27 CFR 179

Legal Deadline: None

Abstract: Implements changes required by Public Law 99-308 (Firearms Owners Protection Act of 1986), and amendments thereto (Public Law 99-360).

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39635
Interim Final Rule	10/29/86	51 FR 39612
NPRM Comment Period End	01/27/87	
NPRM Comment Period Extended	01/28/87	52 FR 2865
NPRM Extended Comment Period End	02/27/87	
Final Action	03/31/88	53 FR 10480
Final Action Effective	05/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7591**

RIN: 1512–AA75

2145. RESTRICTIONS ON MANUFACTURE, IMPORTATION AND SALE OF ARMOR PIERCING AMMUNITION

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None

Abstract: ATF is amending regulations to implement provisions of Public Law 99-408. The amended regulations will restrict the manufacture, importation and sale of armor piercing ammunition.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	52 FR 2053
Interim Final Rule	01/16/87	52 FR 2048
NPRM Comment Period End	04/16/87	
Final Action	03/31/88	53 FR 10480
Final Action Effective	05/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512–AA79

2146. SIMPLIFIED RECORDKEEPING FOR LOW-VOLUME FIREARMS DEALERS

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None

Abstract: ATF is proposing to simplify recordkeeping procedures for sales or other dispositions of firearms by low-volume dealers.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4509
NPRM Comment Period End	05/13/87	
Final Action	06/30/88	53 FR 24686
Final Action Effective	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA80

[FR Doc. 88-21376 Filed 10-21-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on April 25, 1988 (53 FR 14192) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: August 16, 1988.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2147	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2148	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2149	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2150	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2151	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2152	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2153	12 CFR 4 Supervision of Bank Operations	1557-AA67
2154	12 CFR 5.33 Merger, Consolidation, Purchase and Assumption	1557-AA71
2155	12 CFR 32 Lending Limits	1557-AA72
2156	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA75
2157	12 CFR 4 Description of Office, Procedures, Public Information	1557-AA77
2158	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks	1557-AA79
2159	12 CFR 7.3400 Leasing of Personal Property	1557-AA80

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2160	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA61
2161	12 CFR 21 Minimum Security Devices and Procedures and Reports of Crimes and Suspected Crimes	1557-AA74
2162	12 CFR 1 Investment Securities Regulation	1557-AA78

TREAS—OCC

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2163	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2164	12 CFR 35 Agricultural Loan Loss Amortization	1557-AA73

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Comptroller of the Currency (OCC)

2147. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: Comments in response to a prior rulemaking Final Rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR 9. The OCC believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The OCC requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. In view of the favorable disposition of litigation impacting on the fiduciary powers of national banks and collective investment funds (Investment Company Institute v. Clarke, 789 F.2d 175 (2d Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Conover, 790 F.2d 925 (D.C. Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, 793 F.2d 220 (9th Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, No.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: 86-3725 (W.D.N.C. August 25, 1986), appeal withdrawn by stipulation, Jan. 6, 1987), the project has been reactivated. The effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA04

2148. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 781(h); 15 USC 781(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; PL 95-630; 12 USC 3102; 12 USC 3108(a)

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Brenda Curry, Senior Attorney, Legislative and Regulatory Analysis Division, (202) 447-1632, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Robert L. Davis, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1818

RIN: 1557–AA43

2149. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8)

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b)

Legal Deadline: None

Abstract: This rule governs the release by the OCC of confidential documents, especially reports of examination, and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza

East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557–AA57

2150. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and the OCC concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the OCC in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The OCC considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the OCC determined it was appropriate to propose the additional requirements as amendments to Part 11 because the OCC believes the proposed requirements will help to clarify the types of disclosures which the OCC, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The proposed rule will also include amendments to update Part 11 to conform with recent amendments by the Securities and Exchange Commission to its Securities Exchange Act Disclosure Rules. The (CONT)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA58

2151. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This regulation contains the OCC's disclosure requirements for securities offerings by national banks. The OCC is considering revisions which would clarify the coverage of the rule, specify the OCC's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR 11, and where practicable, incorporate by reference provisions of 12 CFR 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA65

2152. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barrett Aldemeyer, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1632

RIN: 1557–AA66

2153. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L' Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557–AA67

2154. MERGER, CONSOLIDATION, PURCHASE AND ASSUMPTION

Legal Authority: 12 USC 93a; 12 USC 181; 12 USC 214a; 12 USC 215; 12 USC 215a; 12 USC 1828(c); 15 USC 78; 15 USC 781(i)

CFR Citation: 12 CFR 5.33; 12 CFR 11.590

Legal Deadline: None

Abstract: The OCC proposes to amend 12 CFR 5.33 to set forth the OCC's merger proxy statement filing requirements for banks that do not have a class of equity securities registered under the Securities Exchange Act of 1934 ("Exchange Act"), and to specify the disclosure that is required of such banks for various types of merger transactions. This action is expected to assist bank merger applicants in preparing their merger proxy materials, which are subject to OCC review and clearance pursuant to the OCC's merger procedures. The effect on small entities will be considered in development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Laura Plaze, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557–AA71

2155. LENDING LIMITS

Legal Authority: 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None

Abstract: The OCC is considering several amendments to the lending limits regulation to simplify, clarify and improve that regulation. A temporary rule on loan commitments has been issued. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
Temporary rule effective	06/24/88	53 FR 23752
Temporary rule with request for comment	06/24/88	53 FR 23752
Temporary rule comment period end	09/22/88	53 FR 23752
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA72

2156. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking will update 12 CFR 12 in light of the final regulations issued July 24, 1987 (52 FR 27910) by the Department of the Treasury as required by the Government Securities Act of 1986. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1901**

RIN: 1557–AA75

2157. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This proposed regulation implements recent amendments to the Freedom of Information Act (FOIA). The amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the proposed regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This proposed regulation also makes technical changes to the OCC's existing FOIA regulation. The proposed regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dean DeBuck, Freedom of Information Officer, (202) 447-1800, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Sanford Brown, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA77

2158. ● ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Legal Authority: 12 USC 481; 12 USC 482; 12 USC 3102; 26 DC Code 102

CFR Citation: 12 CFR 8

Legal Deadline: None

Abstract: The OCC is proposing a 14 percent increase in its semiannual assessment schedule for national banks, District of Columbia banks and federally licensed branches and agencies of foreign banks. This action is necessary to avoid OCC revenue shortfalls. It is intended to ensure that OCC can continue to fulfill its statutory, regulatory and supervisory responsibilities. National bank fees will be raised only to the extent necessary to support OCC's increasing and evolving supervisory responsibilities. This proposed rule, if adopted as a final rule, will not have a significant economic impact on a substantial

number of small banks or other small entities.

Timetable:

Action	Date	FR Cite
NPRM	08/19/88	53 FR 31705
NPRM Correction	09/06/88	53 FR 34307
NPRM Comment Period End	09/19/88	
NPRM Extension of Public Comment Period	10/03/88	53 FR 36556
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Roger Tufts, Associate Director, Economic and Policy Analysis Division, (202) 447-1924, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Ferne Fishman Rubin**, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA79

2159. ● LEASING OF PERSONAL PROPERTY

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.3400

Legal Deadline: None

Abstract: The proposed regulation will interpret new statutory lease financing authority provided to national banks by Section 108 of the Competitive Equality Banking Act of 1987, codified at 12 USC 24(10). The OCC is considering what prudential guidelines, if any, are needed, in order to ensure that national banks conduct this new activity safely. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	01/00/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Ellen C. Starr**, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA80

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2160. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The proposed guidelines provide for a common framework of capital adequacy measurement to remove a source of competitive inequality for banks operating internationally. However, the OCC believes the risk-based capital ratio is a useful tool for measuring capital adequacy at all national banks. The framework of measurement is mainly directed to the credit risk of balance sheet and off-balance sheet assets as they relate to bank capital. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/86	51 FR 10602
ANPRM Comment Period End	06/25/86	51 FR 10602
NPRM	06/17/87	52 FR 23045
NPRM Comment Period End	08/17/87	52 FR 23045
NPRM	03/15/88	53 FR 8550
NPRM Public Comment Period	05/13/88	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer Kelly, National Bank Examiner, Commercial Activities Division, (202) 447-1164; Larry Winter, National Bank Examiner, Multinational and Regional Bank Analysis Division, (202) 447-1747; Katerina Simons, Financial Economist, Economic and Policy Analysis Division, (202) 447-1924; 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: **Sanford Brown**, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA61

2161. MINIMUM SECURITY DEVICES AND PROCEDURES AND REPORTS OF CRIMES AND SUSPECTED CRIMES

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884

CFR Citation: 12 CFR 21

Legal Deadline: None

Abstract: This regulation revises upward the reporting thresholds for reports of known or suspected crimes involving national banks. National banks are now required to report certain bank secrecy and money laundering transactions. This regulation will not have significant impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/11/88	53 FR 7881
Interim Final Rule Comment Period End	05/10/88	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Joel Miller**, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557–AA74

TREAS—OCC

Final Rule Stage

2162. INVESTMENT SECURITIES REGULATION

Legal Authority: PL 97-35, Sec 1342(a); 12 USC 24(7); PL 98-473, Title I

CFR Citation: 12 CFR 1

Legal Deadline: None

Abstract: The OCC is amending 12 CFR 1 to make two nonsubstantive changes in the regulation. The first change in the regulation incorporates the existing statutory authority of national banks to underwrite and deal in obligations of the African Development Bank and the Inter-American Investment Corporation. The second change deletes from the regulation an outdated and unnecessary provision describing procedures for banks to request OCC rulings. This final rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Owen Carney, Director, Investment Securities, (202) 447-1901, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Jonathan Rushdoony, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557–AA78

DEPARTMENT OF THE TREASURY (TREAS)

Comptroller of the Currency (OCC)

Completed Actions

2163. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. The OCC proposes to provide clarification of the OCC's ability to impose conditions on transactions between a bank and its subsidiaries; to add 12 CFR 5.36 to require notification to the OCC of certain equity investments which national banks are authorized by statute to make; to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities is considered in the development of each rulemaking. If adopted as final rules, the changes to Part 5 will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Final Action	05/24/88	53 FR 18545
Final Action Effective	06/23/88	53 FR 18545
Applicants' Responsibility	12/00/88	
Change in Bank Control	12/00/88	
Equity Investments	12/00/88	
Forms Distribution	12/00/88	
Operating Subsidiaries	12/00/88	
Technical Amendments	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Sheila Ogilvie, National Bank Examiner/Senior Licensing Policy and Systems Analyst, Bank Organization and Structure Division, (202) 447-1184, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1184

RIN: 1557–AA00

2164. AGRICULTURAL LOAN LOSS AMORTIZATION

Legal Authority: 12 USC 93a; Title VIII of the Competitive Equality Banking Act of 1987

CFR Citation: 12 CFR 35

Legal Deadline: Final, Statutory, November 9, 1987.

Abstract: This regulation implements Title VIII of the Competitive Equality Banking Act of 1987 which permits agricultural banks to amortize losses on qualified agricultural loans. The regulation describes the procedures and standards applicable to banks desiring to amortize losses under that statute. It also describes the manner in which such amortizations are to be done. This regulation will not have significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/87	52 FR 41959
Final Action	07/28/88	53 FR 28373
Final Action Effective	07/29/88	53 FR 28373

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Lance Cantor, Analyst, Special Supervision, (202) 447-1719, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Jon A. Nagy, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Activities Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1164

RIN: 1557–AA73

[FR Doc. 88-21377 Filed 10-21-88; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2119, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, or an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: August 17, 1988.

John E. Elkins,

Acting Director, Office of Regulations and Rulings.

United States Customs Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2165	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2166	19 CFR 134 Country of Origin Marking	1515-AA59
2167	19 CFR 113 Continuous Importation and Entry Bond Secured by Corporate Sureties	1515-AA60
2168	19 CFR 192 Exportation of Used Self-Propelled Vehicles	1515-AA65
2169	19 CFR 134 Country of Origin Marking of Jewelry	1515-AA66
2170	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana	1515-AA67

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2171	19 CFR 4 Customs User Fees	1515-AA50
2172	19 CFR 141 Entry of Consolidated Shipments	1515-AA56
2173	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2174	19 CFR 122.25 Air Ambulance Operators -- Overflight Exemptions	1515-AA62
2175	19 CFR 4.7a Unique Bill of Lading	1515-AA63

TREAS—CUSTOMS

United States Customs Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2176	19 CFR 128 Clearance of Cargo Carried by Express Consignment Operators or Carriers	1515-AA64

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2177	19 CFR 6 Air Commerce Regulations	1515-AA47

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Prerule Stage

2165. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Pending Congressional Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA22

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Proposed Rule Stage

2166. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the U.S., the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	02/22/88	
NPRM	01/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2212, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515–AA59

2167. CONTINUOUS IMPORTATION AND ENTRY BOND SECURED BY CORPORATE SURETIES

Legal Authority: 19 USC 66; 19 USC 1484; 19 USC 1551; 19 USC 1565; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 113

Legal Deadline: None

TREAS—CUSTOMS **Proposed Rule Stage**

Abstract: Amendment to the Customs Regulations to provide that a continuous importation and entry bond secured by a corporate surety may only be filed with Customs under cover of a letter signed by an authorized officer or agent of that surety. Such an amendment would protect the Government from unnecessary delays in receiving payment from sureties of an importer's liabilities, for which the surety is also responsible, when the surety denies liability because it claims to have no record of the bond upon which the demand is made.

Timetable:

Action	Date	FR Cite
NPRM	09/18/87	52 FR 35274
NPRM Comment Period End	11/17/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Lawlor, Attorney, Department of the Treasury, United States Customs Service, Room 2215, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5706

RIN: 1515–AA60

2168. ● EXPORTATION OF USED SELF-PROPELLED VEHICLES

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 1627; 19 USC 1627a; 19 USC 1646a

CFR Citation: 19 CFR 192

Legal Deadline: None

Abstract: An amendment to the Customs Regulations to add a new part concerning the exportation of used self-propelled vehicles. It sets forth the requirements for lawful exportation of such vehicles as well as the penalties and liabilities for attempted unlawful exportation. These regulations are necessary to implement certain provisions of the Motor Theft Law Enforcement Act of 1984 and the Trade and Tariff Act of 1984 dealing with the unlawful exportation of used self-propelled vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8303
NPRM Comment Period End	05/18/87	
NPRM Second	08/18/88	53 FR 31367
NPRM public comment period end	10/17/88	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After consideration of the comments received in response to the previous notice proposing this change certain modifications were made. Accordingly, the document has been modified and is being republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: Louis Razzino, Operations Officer, Department of the Treasury, United States Customs Service, Room 4144, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2140

RIN: 1515–AA65

2169. ● COUNTRY OF ORIGIN MARKING OF JEWELRY

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (Gen. Hdnt.11); 19 USC 1304; 19 USC 1624; PL 100-418

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the country of origin marking of jewelry. More permanent methods of marking are proposed to avoid removal of country of origin identifications after importation, but before sale to consumers often for the purpose of deceptively representing the merchandise as made in the U.S. Previous methods permitting country of origin marking for jewelry using adhesive labels or string tags would be permitted under the proposed changes only where the size of the article does not permit more permanent marking methods. For other articles, the changes will require that jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving, stamping, or some other equally permanent methods, or with a similarly marked plastic or metal tag.

Timetable:

Action	Date	FR Cite
In Treasury review	09/16/88	
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A proposed interpretive rule was published on July 15, 1986 (51 FR 25574) soliciting comments on a proposal to require that all foreign-made Native American-style jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving or stamping. Numerous comments were received which generally were in favor of the proposal; most indicated that the proposal did not go far enough and many commenters thought that the change should extend to all jewelry. On August 23, 1988, Congress enacted Pub. L. 100-418, Omnibus Trade & Competitiveness Act of 1988, which among other things, requires the indelible and permanent marking on all imported Native American-style jewelry. Accordingly, we are revising our proposal to include jewelry in general, and the expanded proposal will have more general application.

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Ave., NW, Room 2104, Washington, DC 20229, 202 566-5765

RIN: 1515–AA66

2170. ● HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Agency Priority

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and

TREAS—CUSTOMS **Proposed Rule Stage**

procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

Timetable:

Action	Date	FR Cite
In Treasury Review	09/01/88	
NPRM	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriet D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2131, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-5746

RIN: 1515–AA67

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2171. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the U.S. as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending internal decision	05/01/88	
Final Action	01/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-9425

RIN: 1515–AA50

2172. ENTRY OF CONSOLIDATED SHIPMENTS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141; 19 CFR 178

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to entry procedures for consolidated shipments of imported merchandise. The amendment would ensure that if individual shipments of merchandise having various consignees are consolidated into a large shipment, the entry would not be made by a broker, or at a port of entry, designated by the consignee named in the master bill of lading or master air waybill if any individual bill of lading or individual air waybill within that shipment specifies a different broker, or port of entry, for making entry, or that entry will be made by the actual owner or purchaser.

Timetable:

Action	Date	FR Cite
NPRM	11/04/87	52 FR 42310
NPRM Comment Period End	02/18/88	53 FR 30
In Customs review	07/08/88	
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After consideration of the comments received in response to the previous notice proposing this change, and meetings with affected persons, it has been determined that many people did not understand the proposal. Accordingly, the document has been modified and it should be republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: William Rosoff, Attorney, Department of the Treasury, United States Customs Service, Room 2215, 1301 Constitution Avenue NW, Washington, DC 20229, 202 566-5856

RIN: 1515–AA56

2173. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 623; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198
Interim Final Rule Public Comment Period End	08/28/87	
Comments being analyzed	02/08/88	
Final Action	03/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tracy Denning, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-8301

RIN: 1515–AA57

TREAS—CUSTOMS **Final Rule Stage**

2174. AIR AMBULANCE OPERATORS -- OVERFLIGHT EXEMPTIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 49 USC 1474; 49 USC 1509

CFR Citation: 19 CFR 122.25

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to ease restrictions on air ambulance flights.

Timetable:

Action	Date	FR Cite
TD in Customs Review	01/26/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Ross, Operations Officer, Department of the Treasury, United States Customs Service, Room 4416, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5607

RIN: 1515–AA62

2175. UNIQUE BILL OF LADING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 46 USC 3; 46 USC 91; 46 USC 2103

CFR Citation: 19 CFR 4.7a

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to require that each bill of lading which accompanies a shipment of imported cargo carried by vessel possess a unique 12 character identifier. This identifier will serve to distinguish the particular bill of lading from other bills of lading issued by that carrier or issuer and from bills issued by others. The identifier is designed to enable Customs Automated Commercial System to more accurately track the progress of cargo from its arrival to its release.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46602
NPRM Comment Period End	02/08/88	
In Treasury Review	08/15/88	
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robin Landis, Operations Officer, Department of the Treasury, United States Customs Service, Room 4140, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-8151

RIN: 1515–AA63

2176. ● CLEARANCE OF CARGO CARRIED BY EXPRESS CONSIGNMENT OPERATORS OR CARRIERS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1498; 19 USC 1551; 19 USC 1555; 19 USC 1556; 19 USC 1565; 19 USC 1624

CFR Citation: 19 CFR 128

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to set forth revised special informal entry procedures applicable to the entry and clearance of cargo carried by the various entities which comprise the express consignment industry and to further refine and expand upon the existing procedures which recognize the special needs of the growing express consignment industry. The member countries of the Customs Cooperation Council have recently examined the industry and associated issues and have adopted international guidelines which established various definitions, including the term "Express Consignment Operators or Carriers." The overwhelming growth of this industry requires Customs to provide more expedited clearance procedures. The amendments will promote uniform, fair and consistent treatment of the various courier and express air services, while at the same time better assuring the protection of the revenue in accord with all applicable laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/16/87	52 FR 47729
NPRM Comment Period End	02/16/88	
TD in Customs Review	08/16/88	
Final Action	11/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vincent Dantone, Operations Officer, Department of the Treasury, United States Customs Service, Room 4137, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA64

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS) **Completed Actions**

2177. AIR COMMERCE REGULATIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 6

Legal Deadline: None

Abstract: Revises rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. Sets forth the general Customs requirements applicable to all air commerce.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30455
NPRM Comment Period End	10/24/85	
TD In Treasury Review	01/22/88	
Final Action T.D. 88-12	03/22/88	53 FR 9285
Final Action Effective	04/21/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry L. Burton, Attorney, Department of the Treasury, United States Customs Service, Room 2417, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5706

RIN: 1515–AA47

[FR Doc. 88-21378 Filed 10-21-88; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1988, through September 30, 1989. Determinations with respect to the agenda were made as of July 31, 1988. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Bob Boyer, Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:CORP:T:R (202-566-3918), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1989.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of July 31, 1988, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Office of Associate Chief Counsel (Technical), the General Litigation Division and the Office of Associate Chief Counsel (International) of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; its effect, if any, on small entities and levels of government; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, and the names and telephone numbers of the drafting and reviewing attorneys.

On October 1, 1988, the technical function of the Office of Chief Counsel reorganized in order to achieve greater mission integration in the formulation, implementation, and interpretation of the tax laws and regulations. As a result of this decision, four of the divisions previously constituting the technical function of the Office of Chief Counsel were abolished and realigned into four new organizations. These new organizations are: Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Income Tax & Accounting), Assistant Chief Counsel (Financial Institutions & Products), and Assistant Chief Counsel (Passthroughs & Special Industries). Due to the abolition of the Legislation & Regulations Division because of the reorganization, a number of regulations projects in the former Legislation & Regulations Division were reassigned to various attorneys in the four newly-created organizations in the Office of Associate Chief Counsel (Technical). Please be aware that the current attorney assignments listed in this semiannual agenda may have changed due to the reorganization.

By direction of the Secretary of the Treasury.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2178	05 USC 0552 Statement of Procedural Rules--Miscellaneous Amendments	1545-AJ53
2179	26 USC 0042 To Clarify the Terms "Building" and "Placed in Service" for Purposes of Section 42	1545-AM03
2180	26 USC 0079 Update and Gender-neutralize Mortality Table used to Determine Permanent Group-term Life Insurance Benefits	1545-AK50
2181	26 USC 0119 (d) Income Tax--Tax Treatment of Faculty Housing	1545-AJ21
2182	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2183	26 usc 0142 Exempt Bonds for Residential Rental Projects	1545-AM04
2184	26 USC 0168 Modification of ACRS	1545-AJ38
2185	26 USC 0263A (f) Capitalization of Certain Interest Expenses-- Notice of Proposed Rulemaking	1545-AK01
2186	26 USC 0267 (a) (3) Withholding on Accounts Payable to Related Parties	1545-AL97
2187	26 USC 0338 Certain Stock Purchases Treated as Asset Acquisitions-Foreign Implications	1545-AL95
2188	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL34
2189	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL35
2190	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2191	26 USC 0368 Income Tax--Cross-Reference-Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB29
2192	26 USC 0453C Transitional Rules Relating to Indebtedness Treated as Payment on Installment Obligations	1545-AK54
2193	26 USC 0482 Section 482 Regulations	1545-AL80
2194	26 USC 0482 Section 482 Cost Sharing Regulations	1545-AM00
2195	26 USC 0834 Interest Deduction under Section 834(c)(5)	1545-AL07
2196	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58

TREAS—IRS

Internal Revenue Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2197	26 USC 0872 (b) Income Tax - Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2198	26 USC 0876 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI	1545-AJ80
2199	26 USC 0897 (c) (3) FIRPA Cleanup	1545-AJ72
2200	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2201	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes	1545-AJ55
2202	26 USC 0932 Source Rules within the Virgin Islands	1545-AL40
2203	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2204	26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances	1545-AM12
2205	26 USC 1441 Revised Withholding Tax Regulation to Modify "As soon as Practical" Requirements	1545-AL19
2206	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2207	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2208	26 USC 7654 Cover Over of Income Taxes	1545-AL18
2209	26 USC 7702 Definition of Life Insurance Contract	1545-AL08
2210	26 USC 9999 Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2211	26 USC 0001 Income Tax--Deduction for Bus Operating Authorities and Freight	1545-AJ18
2212	26 USC 0042 Low Income Housing Credit Recapture Rule	1545-AL12
2213	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2214	26 USC 0055 Alternative Minimum Tax for Individuals	1545-AJ86
2215	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL02
2216	26 USC 0057 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2217	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
2218	26 USC 0061 Taxation, Valuation, and Reporting of "Frequent Flyer" or Similar Bonus Payments	1545-AK02
2219	26 USC 0061 Amendment to the Regulations under Section 61 to Conform the Treatment of Bond Premium Income to the Consistent Yield Method	1545-AL92
2220	26 USC 0072 Loans Treated as Distributions	1545-AE41
2221	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2222	26 USC 0103 To Provide Regulations Under Section 147 (b)--Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2223	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2224	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2225	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2226	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2227	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2228	26 USC 0117 (d) Qualified Tuition Reductions	1545-AI13
2229	26 USC 0132 Income Tax--Prizes and Awards	1545-AJ19
2230	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond"	1545-AM01
2231	26 USC 0142 Tax-exempt Bonds for Residential Rental Projects	1545-AJ66
2232	26 USC 0144 Income tax--Student Loan Bonds	1545-AJ42
2233	26 USC 0145 Qualified 50l (c) (3) Bonds	1545-AJ39
2234	26 USC 0146 State Volume Cap for Tax-exempt Bonds	1545-AJ37
2235	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds; Rebate Requirement	1545-AJ67
2236	26 USC 0148 General Revision of Arbitrage Regulations	1545-AL90
2237	26 USC 0149 Advance Refundings	1545-AL91
2238	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2239	26 USC 0162 (g) Definition of Related Violation	1545-AK83
2240	26 USC 0163 Qualified Residence Interest	1545-AL67
2241	26 USC 0163 Prohibition on Foreign Targeting Obligations Backed by United States Government Securities	1545-AM19
2242	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2243	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2244	26 USC 0179 Election to Expense Certain Depreciable Assets	1545-AL74

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2245	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2246	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2247	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations	1545-AL94
2248	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2249	26 USC 0263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2250	26 USC 0263A (f) Temporary Regulation--Capitalization of Certain Interest Expenses	1545-AK03
2251	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2252	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2253	26 USC 0302 Waiver of Family Attribution by Entities	1545-AF13
2254	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK29
2255	26 USC 0336 Cross-reference--Recognition of gain or loss on liquidating sales and distributions of property (TRA 1986; sections 631 to 633)	1545-AK90
2256	26 USC 0338 Income Tax -- Application of Installment Method of Reporting and Mandatory Application of MADSP Formula for Qualified Stock Purchases under Section 338 (h) (10)	1545-AK25
2257	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK31
2258	26 USC 0367 Transfer of Intangibles Subject to Section 367 or 482 of the Code	1545-AJ91
2259	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2260	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2261	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2262	26 USC 0382 Computation of Section 382 Limitation	1545-AK27
2263	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK26
2264	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2265	26 USC 0401 (a) (26) Income Tax - - Part 1--Additional Participation Requirements	1545-AK46
2266	26 USC 0401 (l) Income Tax -- Part 1-- Application of Nondiscrimination Rules to Integrated Plans	1545-AI86
2267	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 403(b) Annuities	1545-AI90
2268	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2269	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2270	26 USC 0409 Inc. Tax -- Part 1; Estate Tax -- Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986	1545-AI87
2271	26 USC 0410 (b) Coverage Rules	1545-AK41
2272	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans	1545-AL53
2273	26 USC 0414 (r) Definition of Line of Business	1545-AL23
2274	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2275	26 USC 0442 Inc. Tax--Part 1--Amendment of section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2276	26 USC 0446 Blocked Income	1545-AL85
2277	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2278	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2279	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2280	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2281	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2282	26 USC 0453C Certain Indebtedness Treated as Payments on Installment Obligations	1545-AM37
2283	26 USC 0457 Income Tax -- Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2284	26 USC 0460 Accounting for Long-term Contracts	1545-AJ28
2285	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2286	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2287	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2288	26 USC 0465 Application of At-risk Limitations to the Holding of Real Property	1545-AK08
2289	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2290	26 USC 0469 (k) Limitations on Passive Activity Losses and Credits : Definition of activity	1545-AK62
2291	26 USC 0472 Inventory Computed by Use of Consumer or Producer Price Indexes	1545-AF65
2292	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2293	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2294	26 USC 0585 Bad Debt Reserves of Financial Institutions	1545-AJ31
2295	26 USC 0585 Definition of "Small" Bank	1545-AL83
2296	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2297	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2298	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2299	26 USC 0643 Clarification of Section 1.643 (a) (3) Relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2300	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2301	26 USC 0679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
2302	26 USC 0704 To Provide Special Rules Concerning Related Party Loans in the Case of Partnership Allocations Attributable to Nonrecourse Debt	1545-AI66
2303	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2304	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2305	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2306	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2307	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2308	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2309	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2310	26 USC 0842 (b) Foreign Insurance Companies	1545-AL82
2311	26 USC 0846 Income Tax Regulations--Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AJ51
2312	26 USC 0860A Income Tax--Essential Issues Relating to Real Estate Mortgage Investment Conduits	1545-AJ35
2313	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM08
2314	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2315	26 USC 0863 Proposed Income Tax Regulations under the Tax Reform Act of 1986 -- Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications	1545-AJ84
2316	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL25
2317	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM20
2318	26 USC 0865 Source Rules for Personal Property Sales	1545-AJ83
2319	26 USC 0871 Employment Taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM30
2320	26 USC 0871 (i) Exemptions from Withholding of NRA's and Foreign Corporations	1545-AJ59
2321	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2322	26 USC 0882 Computation of Interest Expense Deduction	1545-AL84
2323	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2324	26 USC 0897 Income Tax -- Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests	1545-AL77
2325	26 USC 0902 Deemed Paid Credit under Sections 902 and 960 Determined on Accumulated Basis	1545-AL98
2326	26 USC 0904 (c) Carryback and Carryforward of Foreign Tax Credits	1545-AM18
2327	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AM11
2328	26 USC 0905 Treatment of Shareholders of Passive Foreign Investment Companies	1545-AC06
2329	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2330	26 USC 0936 (d) (4) CBI Investments of Section 936 Funds	1545-AL81
2331	26 USC 0936 (h) Amendment of Section 936(h) with Respect to Election of Product	1545-AK77
2332	26 USC 0953 (c) Insurance Income	1545-AJ70
2333	26 USC 0987 Profit and Loss Transition Rules	1545-AM13
2334	26 USC 0988 Section 988(d) - Integrated Hedging Rules for Foreign Exchange gain or loss	1545-AL15
2335	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AL16
2336	26 USC 0993 DISC Regulations	1545-AM05
2337	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2338	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2339	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2340	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2341	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL88
2342	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2343	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2344	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2345	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2346	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37

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Sequence Number	Title	Regulation Identifier Number
2347	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2348	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2349	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2350	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2351	26 USC 1374 Cross-reference--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK93
2352	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2353	26 USC 1446 Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL30
2354	26 USC 1492 Nontaxable Transfers under Section 1491	1545-AL96
2355	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AC47
2356	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2357	26 USC 1502 Income Tax--Deletion of the Requirement of Section 1.1502-47 (d) (12) (v) (C) That, in Applying Tacking Rule, Profitable and Loss Life Activities Not Be Separated	1545-AI98
2358	26 USC 1502 Cross-reference--Consolidated return investment adjustments with respect to an acquired subsidiary's built-in gains or losses	1545-AK94
2359	26 USC 1502 Consolidated Returns	1545-AL44
2360	26 USC 1502 Revision of Section 1.1502-33	1545-AL60
2361	26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group	1545-AL62
2362	26 USC 1503 (d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AM16
2363	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2364	26 USC 1504 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2365	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2366	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2367	26 USC 2663 Estate Tax-Generation-Skipping Transfer Tax	1545-AL75
2368	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2369	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2370	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2371	26 USC 3405 (d) (13) Withholding on Certain Deferred Payments Outside the United States	1545-AL31
2372	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2373	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2374	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2375	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AM32
2376	26 USC 4181 Revision of Section 48.4181-1(a)(2) of the Manufacturers and Retailers Excise Tax Regulations relating to the tax on firearm parts and accessories	1545-AL72
2377	26 USC 4611 Income Tax, Excise Tax, and Environmental Tax--Imposition of Taxes on Petroleum, Certain Chemicals, and Corporations and Additional Excise Taxes on Certain Fuels	1545-AJ23
2378	26 USC 4671 Tax on Certain Imported Substances	1545-AL73
2379	26 USC 4940 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2380	26 USC 4980 Excise Tax -- Part 54, Reversion of Qualified Plan Assets to Employer	1545-AI82
2381	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2382	26 USC 6011 Electronic Filing of Tax Returns	1545-AL01
2383	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2384	26 USC 6033 Amendment of Section 1.6033-2 (g) (5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2385	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AJ56
2386	26 USC 6039D Returns, etc. on Certain Fringe Benefit Plans	1545-AI22
2387	26 USC 6039E Information Regarding Resident Status	1545-AJ93
2388	26 USC 6046A Income Tax Regulations relating to Returns as to Interests in Foreign Partnerships	1545-AK75
2389	26 USC 6047 Reporting of Plan Distributions	1545-AL54
2390	26 usc 6049 Income Tax--To Require Issuers of Certificates of Deposit to Furnish Issue Price to Brokers	1545-AK36
2391	26 USC 6050M Treatment of Net Capital Losses of Regulated Investment Companies and Real Estate Investment Trusts-Relationships between Chapter 44 Excise Taxes and Taxable Income	1545-AJ04
2392	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM06
2393	26 usc 6103 Income Tax-Disclosure of Return Information to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities	1545-AM02
2394	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2395	26 USC 6224 Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08

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Sequence Number	Title	Regulation Identifier Number
2396	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2397	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2398	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2399	26 USC 6402 Procedure and Administration--Reduction of Tax Overpayments by Amount of Past-due Legally Enforceable Debt Owed to Federal Agency	1545-AK45
2400	26 USC 6416 Gasoline Excise Tax Definitions, Registration Requirements, and Section 6416 Procedures	1545-AL69
2401	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2402	26 USC 6621 Essential Issues in Connection with Differential Interest Rates	1545-AK06
2403	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2404	26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns	1545-AL49
2405	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2406	26 USC 7425 Forfeiture of Land Sales Contract With Respect to Discharge of Federal Tax Lien	1545-AK24
2407	26 USC 7425 Redemptions of Real Property Under IRC 7425 - Excess Expenses	1545-AL20
2408	26 USC 7609 Procedure and Administration - Suspension of Statues of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
2409	26 USC 7704 Certain Publicly Partnerships Treated as Corporations	1545-AL57
2410	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

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Sequence Number	Title	Regulation Identifier Number
2411	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2412	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2413	26 USC 0028 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2414	26 USC 0032 Income Tax--Notice to Employees or Earned Income Credit	1545-AJ44
2415	26 USC 0042 Low-Income Housing Credit Allocation Rules and Information Reporting Requirements	1545-AJ65
2416	26 USC 0042 Clarification of Determination of Bad Debt Experience under Nonaccrual-experience Method of Accounting	1545-AK92
2417	26 USC 0042 Low-Income Housing Credit for Federally-Assisted Buildings acquired during 10-year period	1545-AL05
2418	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2419	26 USC 0047 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2420	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2421	26 USC 0048 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2422	26 USC 0048 Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2423	26 USC 0056 Corporate Alternative Minimum Tax Book Income Adjustment	1545-AJ14
2424	26 USC 0056 Net Book Income Adjustment for U.S. Branches of Foreign Corporations	1545-AK23
2425	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
2426	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK21
2427	26 USC 0061 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
2428	26 USC 0061 Income Tax--Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2429	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2430	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2431	26 USC 0101 (d) Income Tax Regulations--Mortality Tables to be Used to Determine Amount Held by Insurer with respect to a Beneficiary	1545-AK14
2432	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2433	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2434	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2435	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18

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Sequence Number	Title	Regulation Identifier Number
2436	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2437	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2438	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AK10
2439	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2440	26 USC 0117 Exclusion of Qualified Scholarships and Fellowships from Gross Income	1545-AJ87
2441	26 USC 0120 Income Tax--Prepaid Legal Expenses	1545-AD62
2442	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2443	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2444	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2445	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds; Rebate Requirement	1545-AJ81
2446	26 USC 0149 Information Reporting for Tax-exempt Bonds	1545-AJ63
2447	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2448	26 USC 0163 Income Tax Regulations--Limitations on Deductions for Nonbusiness Interest	1545-AK17
2449	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM22
2450	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM23
2451	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2452	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2453	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2454	26 USC 0170 Deductions in Excess of $5000 Claimed by a Subchapter C Corporation for Charitable Contributions of Certain Property	1545-AL09
2455	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2456	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2457	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2458	26 USC 0263A Capitalization and Inclusion in Inventory Costs of Certain Expenses	1545-AK05
2459	26 USC 0263A Practical Capacity	1545-AK56
2460	26 USC 0267 Regulations Under Section 267 of the Code to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2461	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2462	26 USC 0274 Income Tax--Deductibility of Gifts by Employers	1545-AB06
2463	26 USC 0274 (d) Income Tax--Substantiation Requirements with Respect to Listed Property and Substantiation Requirements Relating to the Taxation of Fringe Benefits	1545-AJ40
2464	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2465	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2466	26 USC 0280F Leased Property under Section 280F	1545-AL42
2467	26 USC 0304 Affiliated Groups	1545-AL41
2468	26 USC 0336 Income Tax--Part 1 Temporary Regulations-Recognition of Gain or Loss Liquidating Sales and Distributions of Property (TRA 1986, sections 631 to 633)	1545-AJ01
2469	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK30
2470	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to RICs and REITs	1545-AL65
2471	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to Certain Distributions under Section 355	1545-AM34
2472	26 USC 0338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2473	26 USC 0338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38
2474	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2475	26 USC 0338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13
2476	26 USC 0338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2477	26 USC 0338 Statements of Election and Due Dates	1545-AI53
2478	26 USC 0338 Income Tax-Application of Installment Method of Reporting and Mandatory Application of MADSP Formula for Qualified Stock Purchases under Section 338 (h) (10)	1545-AJ07
2479	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK32
2480	26 USC 0355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2481	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2482	26 USC 0367 Amendment of the Income Tax Regulations under Section 367 of the Code (transfers to foreign corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74

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Sequence Number	Title	Regulation Identifier Number
2483	26 USC 0367 (b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2484	26 USC 0367 (b) Foreign Liquidations and Reorganizations (Temporary Regulations)	1545-AJ76
2485	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2486	26 USC 0382 Income Tax--Ownership Change	1545-AJ00
2487	26 USC 0382 Computation of Section 382 Limitation	1545-AK87
2488	26 USC 0382 Section 382 Limitation on Groups Filing Consolidated Returns	1545-AL36
2489	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date	1545-AL58
2490	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK28
2491	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2492	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2493	26 USC 0401 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2494	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2495	26 USC 0401 (m) Nondiscrimination Requirements for Employer Matching Contributions and Employee Contributions	1545-AI80
2496	26 USC 0402 Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2497	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2498	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2499	26 USC 0411 Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
2500	26 USC 0411 Survivor Benefits, Distribution Restrictions and Various Other Issues under the Retirement Equity Act of 1984	1545-AH01
2501	26 USC 0411 Inc. Tax -- Part 1 -- Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2502	26 USC 0411 Income Tax - Part 1 - Minimum Vesting Standards	1545-AI88
2503	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2504	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2505	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2506	26 USC 0414 Definition of "Highly Compensated Employee" and "Compensation"	1545-AI91
2507	26 USC 0417 Joint and Survivor Annuities	1545-AG72
2508	26 USC 0441 Taxable Years of Certain Entities	1545-AK63
2509	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations	1545-AL68
2510	26 USC 0448 Limitation of the Use of the Cash Method of Accounting	1545-AJ52
2511	26 USC 0448 Nonaccrual-experience Method of Accounting-- Clarification of Amounts Determined to be Uncollectible	1545-AM33
2512	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2513	26 USC 0453 Income Tax--General Rules Relating to Installment Sales	1545-AB42
2514	26 USC 0453 Income Tax--Installment Obligations Received from a Liquidating Corporation	1545-AB43
2515	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2516	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2517	26 USC 0453 Transitional Rule Relating to Certain Installment Sales by Manufacturers to Dealers	1545-AL55
2518	26 USC 0453A Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2519	26 USC 0453C Certain Indebtedness Treated as Payment on Installment Obligations	1545-AJ27
2520	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2521	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2522	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2523	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2524	26 USC 0465 Aggregation of Certain Activities	1545-AI41
2525	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AB26
2526	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
2527	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK65
2528	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2529	26 USC 0565 Consent Dividends	1545-AL86
2530	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2531	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2532	26 USC 0613A Income Tax--To Conform to Sec 3 of the Act of 12/28/80	1545-AB74
2533	26 USC 0702 Income Tax - Application of Effective Date for New Rules Regarding Deductions for Meal, Travel, and Entertainment to Partnerships and S Corporations	1545-AK80
2534	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47

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Sequence Number	Title	Regulation Identifier Number
2535	26 USC 0807 (d) Mortality and Morbidity Tables to be Used for Insurance Products for which there are not Applicable Commissioner's Tables	1545-AK04
2536	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2537	26 USC 0832 Treatment of Salvage and Reinsurance in Determining Losses of Property and Casualty Insurance Companies	1545-AK49
2538	26 USC 0846 Temporary Income Tax Regulations–Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AI96
2539	26 USC 0861 Apportionment of Expenses in the FSC and DISC Contexts	1545-AK78
2540	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM09
2541	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL26
2542	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM21
2543	26 USC 0864 (d) Treatment of Related Person Factoring Income; Certain Investments in United States Property; and Stock Redemptions Through Related Corporations	1545-AH85
2544	26 USC 0864 (e) Allocation and Apportionment of Expenses	1545-AL21
2545	26 USC 0865 Temporary Regulations for Source Rules for Personal Property Sales	1545-AL78
2546	26 USC 0871 Employment taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM29
2547	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and Second Level Withholding Taxes (Temporary Regulations)	1545-AJ77
2548	26 USC 0892 Income of Foreign Governments and International Organizations	1545-AL93
2549	26 USC 0897 Income Tax--Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2550	26 USC 0897 Notice of Proposed Rulemaking--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AK79
2551	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AL17
2552	26 USC 0905 Income Tax--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2553	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
2554	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2555	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2556	26 USC 0954 Subpart F Definitions	1545-AM15
2557	26 USC 0985 Functional Currency	1545-AL24
2558	26 USC 0987 Profit and Loss Transition Rules	1545-AM14
2559	26 USC 0989 Definition of a Qualified Business Unit	1545-AM31
2560	26 USC 0989 (c) Transition Rule for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL29
2561	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to INTEREST CHARGE DISCs	1545-AG71
2562	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2563	26 USC 1059A Customs Limitation on Taxpayer's Basis in Property Imported from Related Persons	1545-AJ92
2564	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ06
2565	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2566	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2567	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL89
2568	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2569	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2570	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2571	26 USC 1295 Passive Foreign Investment Companies	1545-AI33
2572	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2573	26 USC 1374 Temporary Regulation--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK91
2574	26 USC 1378 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
2575	26 USC 1402 (e) Applications for Exemption from Self-employment Taxes for Ministers, etc	1545-AJ94
2576	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2577	26 USC 1446 Temporary Regulation on Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL32
2578	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2579	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2580	26 USC 1502 Temporary Regulations-Consolidated Return Investment Adjustments with respect to an Acquired Subsidiary's Built-in Gains or Losses	1545-AK95

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Sequence Number	Title	Regulation Identifier Number
2581	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL59
2582	26 USC 1502 Adjustment Reflecting a Restructuring of a Consolidated Group	1545-AL61
2583	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL63
2584	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Certain Organizations Whose Tax-Exempt Status was Revoked by the 1986 Act	1545-AL64
2585	26 USC 1502 Consolidated Investment Credit	1545-AM35
2586	26 USC 1502 Treatment of Dividend Distributions after the Sale of a Subsidiary	1545-AM36
2587	26 USC 1503 (d) Dual Resident Companies Limitation on Consolidated Losses	1545-AJ54
2588	26 USC 1504 Cross-reference--Alaska Native Corporations; Requirements for affiliation in order to file a consolidated return	1545-AK88
2589	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2590	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2591	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ11
2592	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2593	26 USC 3406 Backup Withholding	1545-AL48
2594	26 USC 3406 Backup Withholding	1545-AL99
2595	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2596	26 USC 4041 Election to Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers	1545-AJ13
2597	26 USC 4051 Taxability of Converter Dollies	1545-AL71
2598	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
2599	26 USC 4081 Excise Tax--Collection of Excise Tax Imposed on the Sale or Removal of Gasoline	1545-AJ09
2600	26 USC 4091 Excise Tax on Diesel Fuel	1545-AL43
2601	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AL70
2602	26 USC 4911 Income Tax--Lobbying by Public Charities and Private Foundations	1545-AE02
2603	26 USC 4977 Excise Tax--Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2604	26 USC 4981 Excise Tax -- Excess Distributions from Qualified Retirement Plans	1545-AI81
2605	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2606	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2607	26 USC 4994 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2608	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2609	26 USC 5881 Excise Tax on "greenmail"	1545-AL47
2610	26 USC 6011 Elimination of Form 941 Filing Requirement for Quarters in Which Seasonal Employers Pay No Wages	1545-AI56
2611	26 USC 6011 Excise Tax -- Part 54 -- Procedure and Administration-- Part 301 -- Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2612	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2613	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ97
2614	26 USC 6045 Information Returns of Brokers	1545-AG02
2615	26 USC 6045 Information Returns of Brokers	1545-AG52
2616	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2617	26 USC 6045 Income Tax--Information Reporting on Real Estate Transactions	1545-AL06
2618	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2619	26 USC 6050M Reporting Requirements Pertaining to Returns Relating to Persons Receiving Contracts from Federal Executive Agencies	1545-AJ05
2620	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time To File Partnership Return of Income and Trust Income Tax Return	1545-AL38
2621	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM07
2622	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2623	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (NPRM)	1545-AI60
2624	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2625	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item	1545-AJ99
2626	26 USC 6323 Electronic Filing of Notice of Federal Tax Lien	1545-AK96
2627	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2628	26 USC 6402 Procedure and Administrative--Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AK12

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2629	26 USC 6402 Procedure and Administrations--Reduction of Tax Overpayments by Amount of Past-due Legally Enforceable Debt Owed to Federal Agency	1545-AL66
2630	26 USC 6404 (e) Procedure and Administration - Abatement of Interest	1545-AK71
2631	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2632	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2633	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2634	26 USC 6723 Penalty for Failure to Include Correct Information on Information Returns and Payee Statements	1545-AJ29
2635	26 USC 7103 (b) Procedure and Administration--Property Seized by the Internal Revenue Service under the Money Laundering Control Act of 1986	1545-AL04
2636	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2637	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2638	26 USC 7701 (b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2639	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2640	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2641	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
2642	26 USC 9999 Income Tax--Maritime Capital Construction Fund	1545-AD46

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2643	26 USC 0046 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
2644	26 USC 0048 Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
2645	26 USC 0056 Net Book Income Adjustment for U.S. Branches of Foreign Corporations	1545-AK22
2646	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ48
2647	26 USC 0103 (c) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
2648	26 USC 0141 Income tax--Definition of "Private Activity Bond"	1545-AJ34
2649	26 USC 0163 Temporary Employment Tax Regulations under the Dividend and Interest Tax Compliance Act of 1983	1545-AM24
2650	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM25
2651	26 USC 0163 Sanctions on Issues and Holders of Registration Required Obligations Not in Registered Form	1545-AM27
2652	26 USC 0168 Tax-exempt Entity Leasing	1545-AJ36
2653	26 USC 0170 Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
2654	26 USC 0170 Final Regulations Relating to the Charitable Contributions Deduction in the Context of Bargain Sales	1545-AJ85
2655	26 USC 0219 Income Tax -- Part 1, Excise Tax -- Part 54, Individual Retirement Accounts after TRA '86	1545-AK47
2656	26 USC 0401 Certain Cash or Deferred Arrangements	1545-AD72
2657	26 USC 0401 (a) (4) Study of Need for Special Antidiscrimination Rules for Pension, Etc. Plans of State and Local Governments	1545-AK44
2658	26 USC 0410 Retirement Equity Act Changes to Participation, Vesting, etc. Rules	1545-AH03
2659	26 USC 0411 Rules Clarifying the Income Tax Regulations, Part 1, with Respect to Service Computation Under Pension, etc. Plans	1545-AE39
2660	26 USC 0411 Income Tax-Part I - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI46
2661	26 USC 0411 Income Tax-Part 1 - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI48
2662	26 USC 0412 Income Tax-Part 1 - Variance From Minimum Funding Standard	1545-AI55
2663	26 USC 0414 Income Tax--Definitions & Special Rules	1545-AB35
2664	26 USC 0414 Income Tax--Definitions and Special Rules; Service for Predecessor	1545-AD87
2665	26 USC 0414 (q) Definition of "Highly Compensated Employee" and "Compensation"	1545-AK40
2666	26 USC 0415 Limitations on Contributions and Benefits Under Qualified Plans	1545-AK42
2667	26 USC 0422A Income Tax--Creation & Treatment of Incentive Stock Options	1545-AB36
2668	26 USC 0444 Election of Taxable Years Other Than Required Taxable Year By Partnerships, S Corporations, and Personal Service Corporations	1545-AL46

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2669	26 USC 0448 Clarification of Determination of Bad Debt Experience under Nonaccrual-experience Accounting Method	1545-AL39
2670	26 USC 0453 Transitional Rule Relating to Certain Installment Sales by Manufacturers to Dealers	1545-AL56
2671	26 USC 0468A Income Tax Regulations -- Special Rules Relating to Nuclear Decommissioning Costs	1545-AI01
2672	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AK18
2673	26 USC 0702 Income Tax - Application of Effective Date for New Rules Regarding Deductions for Meal, Travel, and Entertainment to Partnerships and S Corporations	1545-AK85
2674	26 USC 0832 Treatment of Salvage and Reinsurance in Determining Losses of Property and Casualty Insurance Companies	1545-AL51
2675	26 USC 0856 Consent Dividends	1545-AL87
2676	26 USC 0864 (d) Treatment of Related Person Factoring, Certain Investments in United States Property, Stock Redemptions through Related Corporations	1545-AL79
2677	26 USC 0871 Income Tax--Original Issue Discount	1545-AB93
2678	26 USC 0871 Repeal of 30 Percent Withholding by the Tax Reform Act of 1984	1545-AG66
2679	26 USC 0871 Employment Taxes: Application of the Repeal of 30% Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH15
2680	26 USC 0871 Registration Requirements with Respect to Certain Debt Obligations	1545-AM26
2681	26 USC 0887 Four Percent Tax on Gross Transportation Income and ECI	1545-AJ60
2682	26 USC 0887 Imposition of Tax on Gross Transportation Income of Nonresident Aliens and Foreign Corporations	1545-AK76
2683	26 USC 0892 Income Tax--Income of Foreign Governments and of International Organizations	1545-AJ79
2684	26 USC 0897 Temporary Regulations--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AF17
2685	26 USC 0904 Income Tax--Recapture of Overall Foreign Losses	1545-AC05
2686	26 USC 0904 Separate Application of Section 904 with Respect to Certain Categories of Income	1545-AJ69
2687	26 USC 0904 (f) Section 904 (f) Transition Rule	1545-AM10
2688	26 USC 0905 (c) Foreign Tax Credit: Notification and Adjustment Due to Foreign Tax Redeterminations	1545-AM17
2689	26 USC 0954 Subpart F FPHC Definitions	1545-AJ61
2690	26 USC 0985 Functional Currency	1545-AL27
2691	26 USC 0989 Definition of a Qualified Business Unit	1545-AM28
2692	26 USC 0989 (c) Transition Rules for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL28
2693	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ03
2694	26 USC 1291 (d) (2) Passive Foreign Investment Companies	1545-AL76
2695	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL45
2696	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL52
2697	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ12
2698	26 USC 4041 Election to have Certain Diesel Fuel Taxes Imposed on Sales to Retailers	1545-AL14
2699	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI62
2700	26 USC 4481 Reduction of the Heavy Vehicle Use Tax for Foreign-based Trucks	1545-AK98
2701	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
2702	26 USC 4981 Excise Taxes Relating to Real Estate Investment Trusts and Regulated Investment Companies under the Tax Reform Act of 1986	1545-AJ02
2703	26 USC 4991 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
2704	26 USC 6041 Amendment to the Regulations under Section 6041 to Exempt from Reporting Requirements Payments Made by Certain Non-profit Organizations as an Award to an Informer	1545-AL50
2705	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AG93
2706	26 USC 6050M Reporting Requirements Pertaining to Returns Relating to Persons Receiving Contracts from Federal Executive Agencies	1545-AL33
2707	26 USC 6081 (a) Grant of Automatic Extension of Time to File Partnership and Trust Returns	1545-AL37
2708	26 USC 6302 To Require Financial Institutions to Deposit Estimated Tax on Trusts and Estates	1545-AK35
2709	26 USC 6323 Electronic Filing of Notice of Federal Tax Lien	1545-AL00

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2178. STATEMENT OF PROCEDURAL RULES--MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601; 26 CFR 602

Legal Deadline: None

Abstract: The document contains miscellaneous amendments to the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. Some amendments update the SPR to reflect changes in nomenclature. The other amendments are described in the order of the sections of the SPR being amended.

Timetable:

Action	Date	FR Cite
Statement of Procedural Rules	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-257-83.

Drafting author: George H. Bradley (202) 343-0231.

Reviewing attorneys: George H. Bradley (202) 343-0231 and Charles Whedbee (202) 566-3458.

Agency Contact: George H. Bradley, Staff Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 343-0231**

RIN: 1545-AJ53

2179. ● TO CLARIFY THE TERMS "BUILDING" AND "PLACED IN SERVICE" FOR PURPOSES OF SECTION 42

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides definition of the term "building", "placed in service", "eligible basis", etc.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-43-88

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Alice Bennett (202) 566-4473.

Treasury attorney: Susan Himes (202) 566-8527.

13 Income Tax

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AM03

2180. UPDATE AND GENDER-NEUTRALIZE MORTALITY TABLE USED TO DETERMINE PERMANENT GROUP-TERM LIFE INSURANCE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will update and gender-neutralize the mortality table used under section 79 to determine the value of permanent group-term life insurance benefits provided to employees.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-77-87

Drafting attorney: Bill Blagg (202) 566-3238.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK50

2181. INCOME TAX--TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal". In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

EE-74-88.

Drafting attorney: Richard Pavel (202) 566-3080.

Reviewing attorney: Jerry Holmes (202) 566-6650

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3080**

RIN: 1545-AJ21

2182. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-82-83.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AF39

2183. ● EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules concerning qualified residential rental projects.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-89-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Alice Bennett (202) 566-4473.

Treasury attorney: Elliot Stern (202) 566-2926.

13 Income Tax

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AM04

2184. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-86-86.

Drafting attorney: Richard Blumenreich (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-4336

RIN: 1545–AJ38

2185. CAPITALIZATION OF CERTAIN INTEREST EXPENSES-- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-121-86.

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK01

2186. ● WITHHOLDING ON ACCOUNTS PAYABLE TO RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 (a) (3) Internal Revenue Code of 1986; 26 USC 163 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Withholding tax liability and deductibility of payments on accounts payable to related parties.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-390-88

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 568-6645

RIN: 1545–AL97

2187. ● CERTAIN STOCK PURCHASES TREATED AS ASSET ACQUISITIONS-FOREIGN IMPLICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Finalize and simplify international section 338 regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-033-86

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL95

2188. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Whether gain should be recognized under section 367 (e) (1) and (2) on the distribution of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-752-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-5791.

Treasury attorneys: Mary Bennett & David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545–AL34

2189. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-704-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorneys: Mary Bennett & David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545–AL35

2190. INCOME TAX–TEMPORARY REGULATIONS–REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5c

Legal Deadline: None

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-230-81.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3458

RIN: 1545–AB28

2191. INCOME TAX–CROSS-REFERENCE-REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would provide regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue intends to interpret these issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-63-81.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AB29

2192. TRANSITIONAL RULES RELATING TO INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

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CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers in applying special rules concerning the treatment of certain installment obligations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-20-87

Drafting attorney: William L. Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Ellen Aprill (202) 566-2567.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AK54

2193. ● SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise section 482 regulations per section 482 white paper.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88

Drafting attorney: David Bower (202) 634-5404.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: unassigned.

13 Income Taxes.

Agency Contact: David Bower, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, DC 20224, **202 634-5404**

RIN: 1545–AL80

2194. ● SECTION 482 COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88

Drafting attorney: Anne Shelburne (202) 634-5404.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Anne Shelburne, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AM00

2195. INTEREST DEDUCTION UNDER SECTION 834(C)(5)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations clarify that in order to be deductible under section 834(c)(5), interest must relate to investment income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-110-87

Drafting attorney: William Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Don Rocap (202) 566-8277.

Income Taxes

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AL07

2196. INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-950-86

Drafting attorney: Riea Lainoff (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

Agency Contact: Riea Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ58

2197. INCOME TAX - RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Mark Beams (202) 566-8275.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ57

2198. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-968-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ80

2199. FIRPA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AJ72

2200. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-942-86

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545–AJ90

2201. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Grace Perez-Navarro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ55

2202. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the U.S. or is effectively connected with the conduct of a trade or business within the Virgin Islands or the U.S. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: Grace Perez-Navarro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL40

2203. SUBPART F - USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86

Drafting attorney: Barbara A. Felker (202) 634-5406.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

Agency Contact: Barbara Allen Felker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AJ71

2204. ● COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch Rules on how to translate branch income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM12

2205. REVISED WITHHOLDING TAX REGULATION TO MODIFY "AS SOON AS PRACTICAL" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will modify a requirement of Treas. Reg. section 1.1441-6(c) regarding the time for filing of Form 1001. Section 1.1441-6(a) provides that the withholding rate shall be reduced as may be provided by a treaty with any country. To secure a reduced treaty withholding rate, subsection (c) of the regulation requires the recipient of the income to file Form 1001 (ownership, exemptions, or reduced rate certificate) with the withholding agent. The regulation further provides that each such Form 1001 filed with any withholding agent shall be filed "as soon as practicable". The "as soon as practicable" requirement will be changed to a narrowed and more objective time period.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-685-87

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 286-4851**

RIN: 1545–AL19

2206. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-273-82.

Drafting attorney: Sharon Hall (202) 566-3238.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AE99

2207. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-274-82.

Drafting attorney: Sharon Hall (202) 566-3238.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AF01

2208. COVER OVER OF INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of federal personnel while bona fide residents of specified possession.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL18

2209. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract.

Timetable:

Action	Date	FR Cite
ANPRM	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS **Prerule Stage**

Additional Information: LR-107-87

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

13 Income Taxes

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AL08

2210. STATEMENT OF PROCEDURAL RULES–AMENDMENTS TO STATEMENT OF PROCEDURAL RULES–1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Statement of Procedural Rules	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-154-81.

Paralegal Specialist: Carroll Field (202) 566-3935.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Carroll Field, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3935

RIN: 1545–AD55

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Proposed Rule Stage

2211. INCOME TAX–DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-110-86

Drafting attorney: Christopher Wilson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AJ18

2212. LOW INCOME HOUSING CREDIT RECAPTURE RULE

Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance with respect to the recapture requirements of section 42(j)for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-108-87

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL12

2213. INCOME TAX–ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-235-82.

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorneys: Ellen Aprill (202) 566-5453 and

Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AE80

2214. ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the alternative minimum tax for individuals. The issues addressed will include the adjustment to inventory to take into account alternative tax depreciation, determination of the preference amount for charitable contributions of appreciated property, and application of alternative tax adjustments in determining the alternative tax liability of a trust or estate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-2-87

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3287

RIN: 1545–AJ86

2215. INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-85-87

Drafting attorney: William Jackson (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Tom Evans (202) 566-5453.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3287

RIN: 1545–AL02

2216. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-209-78.

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AA34

2217. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-56-87

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AK20

2218. TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuing the bonuses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-79-86

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK02

2219. ● AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSISTENT YIELD METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-70-88

Drafting attorney: Dave Selig (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-4473.

Agency Contact: Dave Selig, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL92

2220. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AE41

2221. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-130-86

Drafting attorney: Steven T. Miller (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-3422.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AI78

2222. TO PROVIDE REGULATIONS UNDER SECTION 147 (B)–RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-220-82.

Drafting attorney: Richard G. Blumenreich (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Dana Trier (202) 566-5455.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE69

2223. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-156-84.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AG84

2224. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed Regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: LR-29-86.

Drafting attorney: Unassigned

Reviewing attorney: Gerald Rock (202) 566-6456.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-6456

RIN: 1545–AI65

2225. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-307-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AG88

2226. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-91-81.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA67

2227. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

TREAS—IRS **Proposed Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-303-84.

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AH17

2228. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-35-85.

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: Gerald Rock (202) 566-3294.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AI13

2229. INCOME TAX--PRIZES AND AWARDS

Legal Authority: 26 USC 74 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will incorporate changes with respect to the tax treatment of prizes and awards and certain employee achievement awards. They will provide guidance so that effective designations and transfers of awards may be accomplished as well as rules with respect to allowance of exclusions and deductions for awards given in an employment context.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-111-86.

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Fredric Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AJ19

2230. ● DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-72-88

Drafting attorney: Dave Selig (202) 566-4336.

Reviewing attorney: Gerald Rock (202) 566-6456.

13 Income Tax

Agency Contact: Dave Selig, Law Clerk, Department of the Treasury, Internal Revenue Service, llll Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AM01

2231. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-89-86

Drafting attorney: Bob Beatson (202) 566-3459.

Reviewing attorney: Alice Bennett (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2926.

Agency Contact: Bob Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545–AJ66

2232. INCOME TAX–STUDENT LOAN BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (b) Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide guidance to issuers of tax-exempt student loan bonds regarding quarterly with the rules relating to qualified student loan bonds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-80-86.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-3331.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3459

RIN: 1545–AJ42

2233. QUALIFIED 50L (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/88	
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-84-86.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Alice Bennett (202) 566-4473.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545–AJ39

2234. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/88	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-85-86

Drafting attorney: David Selig (202) 566-3297.

Reviewing attorney: Gerald Rock: (202) 566-3294.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-4336

RIN: 1545–AJ37

2235. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to the requirement that arbitrage profits earned on tax-exempt bonds be paid to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: LR-91-86

Drafting attorney: unassigned

Reviewing attorney: Gerald Rock (202) 566-6456.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6456

RIN: 1545–AJ67

2236. ● GENERAL REVISION OF ARBITRAGE REGULATIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding the arbitrage restrictions for tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: LR-48-88

Drafting attorney: Unassigned

Reviewing attorney: Gerald W. Rock (202) 566-6456.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3740

RIN: 1545–AL90

2237. ● ADVANCE REFUNDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986:; 26 USC 149 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: LR-50-88

Drafting attorney: Unassigned.

Reviewing attorney: Gerald W. Rock (202) 566-6456.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3740

RIN: 1545–AL91

2238. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-190-77.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Ellen

Aprill (202) 566-5453.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AA79

2239. DEFINITION OF RELATED VIOLATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would amend the definition of "related violations" under section 162(g) of the Internal Revenue Code of 1986 in order to update such definition in light of subsequent events.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-27-87

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John S. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AK83

2240. ● QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-27-88

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Reed Shuldiner (202) 566-2175.

13 Income Tax

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202 566-3238

RIN: 1545–AL67

2241. ● PROHIBITION ON FOREIGN TARGETING OBLIGATIONS BACKED BY UNITED STATES GOVERNMENT SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking providing that obligations backed by United States government securities may not be foreign targeted.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-070-88

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM19

2242. INCOME TAX--NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-244-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-8277.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AA88

2243. INCOME TAX – TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-231-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AI09

2244. ● ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules determining when a taxpayer's wages from employment will be considered income derived from the active conduct of a trade or business.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-52-88

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred Grundeman (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5433.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL74

2245. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-73-84.

Drafting attorney: James A. Orefice (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG27

2246. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AB02

2247. ● DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL94

2248. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-261-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AH39

2249. CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-56-78

Drafting attorney: Michael Garvey (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AI92

2250. TEMPORARY REGULATION—CAPITALIZATION OF CERTAIN INTEREST EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-120-86.

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK03

2251. INCOME TAX—TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-

608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-114-81.

Drafting attorney: Christopher Wilson (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AB04

2252. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-217-84.

Drafting attorney: Stuart Wessler (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Stuart Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH49

2253. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302 (c) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-189-82.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AF13

2254. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-52-87

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK29

2255. CROSS-REFERENCE--RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986; SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for the recognition of gain or loss on a corporations liquidating sales or distributions

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-79-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury,

TREAS—IRS **Proposed Rule Stage**

Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK90

2256. INCOME TAX -- APPLICATION OF INSTALLMENT METHOD OF REPORTING AND MANDATORY APPLICATION OF MADSP FORMULA FOR QUALIFIED STOCK PURCHASES UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the installment method of reporting and will require the use of the MADSP formula in a qualified stock purchase to which section 338 (h) (10) applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-75-87.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Jud Kelly (202) 535-6960.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK25

2257. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	
NPRM Comment Period End	08/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-50-87

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Jud Kelly (202) 535-6960.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK31

2258. TRANSFER OF INTANGIBLES SUBJECT TO SECTION 367 OR 482 OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Reform Act of 1986, U.S. taxpayers were able to shift income out of the U.S. by transferring intangibles to Section 936 possessions corporations, contributing intangibles to related foreign corporations in Section 367 transactions or selling or licensing intangibles to related foreign parties at less than arm's-length prices and transactions subject to section 482. Valuing such transfers (at the time of transfer) has proven to be difficult and non-productive. The Reform Act of 1986 provides that payments to be received by the transferor of intangibles must be commensurate with the income from the intangible. Major issue - What portion of the income from the intangible will constitute "commensurate"? Provisions will raise large amounts of revenue.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-937-86

Drafting attorney: Bobby D. Burns (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-0247.

Agency Contact: Bobby D. Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ91

2259. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-968-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AJ78

2260. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980. Dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-74-87.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK33

2261. INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain and illustrate the limitations provided under section 382 of the Internal Revenue Code of 1986 on a corporation's use of net operating loss carryovers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-103-86.

Drafting attorney: Keith Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202)566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AI99

2262. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-67-87

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK27

2263. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
NPRM Comment Period End	08/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-69-87

Drafting attorney: Thomas J. Kane (202) 566-9293.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-9293

RIN: 1545–AK26

2264. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-83.

Drafting attorney: Steven T. Miller (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AF81

2265. INCOME TAX - - PART 1--ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-44-87

Drafting attorney: Nancy J. Marks (202) 566-3938.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Nancy J. Marks, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-4948

RIN: 1545–AK46

2266. INCOME TAX -- PART 1--APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (l) Internal Revenue Code of 1986; 26 USC 401 (a) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-159-86

Drafting attorney: Michael Garvey (202) 566-6212.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AI86

2267. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403 (b) (10) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax- sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86

Drafting attorney: Sylvia F. Hunt (202) 566-3544.

Reviewing attorney: Nancy J. Marks (202) 566-3422.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545–AI90

2268. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404 (a) (9) Internal Revenue Code of 1986; 26 USC 415 (c) (6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-152-81.

Drafting attorney: Michael Gompertz (202) 566-3459.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Michael Gompertz, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AD77

2269. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-3459.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AD82

2270. INC. TAX -- PART 1; ESTATE TAX -- PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401 (a) (28) Internal Revenue Code of 1986; 26 USC 401 (a) (23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404 (k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 566-3459.

Reviewing attorney: Michael Thrasher (202) 566-3651.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AI87

2271. COVERAGE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Rules relating to minimum coverage requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-128-86

Drafting attorney: Nancy J. Marks (202) 566-3938.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney Harry J. Conaway (202) 566-8277.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3938

RIN: 1545–AK41

2272. ● REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new interpret the new definition of full funding for purposes of limitations that amount of deductible contribution permitted to be made to pension plans

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Heather Wiseman (202) 566-6824

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Heather Wiseman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6824

RIN: 1545–AL53

2273. DEFINITION OF LINE OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Internal Revenue Code section 414 (r) defines line of business

for purposes of applying the coverage requirements under section 410 (b) and the nondiscrimination requirements for certain employee benefit plans under section 89.

Timetable:

Action	Date	FR Cite
Hearing	10/13/87	
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-144-87

Drafting attorney: Rhonda G. Migdail (202) 566-6650.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Priscilla Ryan (202) 566-5435.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6650**

RIN: 1545–AL23

2274. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-3774.

Reviewing attorney: Colene Mason (202) 566-4741.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3774**

RIN: 1545–AG14

2275. INC. TAX--PART 1--AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section l.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-06-86.

Drafting attorney: Suzanne K. Tank (202) 566-3430.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne Ross McDowell (202) 566-8278

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3430**

RIN: 1545–AI68

2276. ● BLOCKED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Computation of income subject to currency or exchange restrictions.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-586-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Robert A. Katcher (202) 634-5406.

Treasury attorney: Peter Barnes (202) 566-5812.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL85

2277. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-103-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Marc Levy (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB41

2278. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-2-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AB45

2279. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-147-82.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5953.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB46

2280. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-143-83.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF73

2281. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-54-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AG37

2282. ● CERTAIN INDEBTEDNESS TREATED AS PAYMENTS ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805S Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for treating certain indebtedness as payment on installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-82-88

Drafting attorney: William Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Tax

Agency Contact: William Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AM37

2283. INCOME TAX -- DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Proposed Rule Stage

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86

Drafting attorney: Mary F. Eure (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Mary F. Eure, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI89

2284. ACCOUNTING FOR LONG-TERM CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-130-86

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Robert Scarborough (202) 566-4979.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AJ28

2285. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	11/22/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-258-84.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AH32

2286. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-192-78.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AF86

2287. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity. The aggregation rules will apply to taxable years beginning after December 31, 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-108-85.

Drafting attorney: Arthur E. Davis (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AI02

2288. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-124-86.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK08

2289. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-292-84.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG81

2290. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS : DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: Pursuant to the grant of regulatory authority in section 469(k), the regulations will define "activity".

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-48-87

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Michael J. Grace (202) 566-3288.

Treasury attorney: John H. Parcell (202) 535-6965.

13 Income Taxes

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK62

2291. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-57-83.

Drafting attorney: Arthur E. Davis (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AF65

2292. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-31-87

TREAS—IRS **Proposed Rule Stage**

Drafting attorney: Arthur E. Davis III(202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202 566-3336.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK64

2293. INCOME TAX–UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AE00

2294. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

LR-81-86.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: Sharon Galm (202) 566-3930.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545–AJ31

2295. ● DEFINITION OF "SMALL" BANK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will address issues applicable to international banks in recapturing bad debt reserves as required by the Tax Reform Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-974-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Carolyn M. Dupuy (202) 634-5406.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL83

2296. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-83-82.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: Alice M. Bennett (202) 566-4474.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AF00

2297. INCOME TAX–RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB69

2298. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-34-85.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AI06

2299. CLARIFICATION OF SECTION 1.643 (A) (3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 (a) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-148-85.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AI31

2300. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-108-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AJ20

2301. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986; 26 USC 678 (b) Internal Revenue Code of 1986; 26 USC 643 (a) Internal Revenue Code of 1986; 26 USC 643 (c) (6) (C) Internal Revenue Code of 1986; 26 USC 643 (c) (6) (D) Internal Revenue Code of 1986; 26 USC 643 (d) Internal Revenue Code of 1986; 26 USC 6048 Internal Revenue Code of 1986; 26 USC 6677 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AB79

2302. TO PROVIDE SPECIAL RULES CONCERNING RELATED PARTY LOANS IN THE CASE OF PARTNERSHIP ALLOCATIONS ATTRIBUTABLE TO NONRECOURSE DEBT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to loans made to a partnership by a person related to a partner of the partnership.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-30-86.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545–AI66

2303. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-164-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AG98

2304. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-265-76.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Greg Marich (202)566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AB81

2305. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AG83

2306. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-163-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH22

2307. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AG85

2308. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-229-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Dianna Miosi (202) 566-3297.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH26

2309. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG63

2310. ● FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AL82

2311. INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-139-86.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3238

RIN: 1545–AJ51

2312. INCOME TAX–ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-88-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-6456

RIN: 1545–AJ35

2313. ● CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-041-88

Drafting attorney: David F. Chan (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-3896.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM08

2314. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86

Drafting attorney: Christine E. Arquit (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Mark Beams (202) 566-8275.

Agency Contact: Christine Arquit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ68

2315. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 – SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-949-86

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: David Crowe (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3672

RIN: 1545–AJ84

2316. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expense attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge agreement interest rate fluctuation.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-773-87

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL25

2317. ● ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporations.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM20

2318. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86

Drafting attorney: Carol P. Tello (202) 634-5404.

Reviewing attorney: Robert E. Culbertson (202) 634-5404.

Treasury attorney: Mary Bennett (202) 566-2964.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AJ83

2319. ● EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules enforcing the exclusion from portfolio interest treatment of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-920-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM30

2320. EXEMPTIONS FROM WITHHOLDING OF NRA'S AND FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871(i) Internal Revenue Code of 1986; 26 USC 881(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Implement regulations concerning exemptions from withholding of non-resident aliens and foreign corporations under sections 871(i) and 881(d) of the Code. Specifically, the proposed regulation

will address the individual or corporation that meets the 80 percent foreign business requirements for active foreign business income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-951-86

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

Agency Contact: Riea M. Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ59

2321. UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules regarding deductibility of expenses by a foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-74-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Unassigned.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AJ74

2322. ● COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Robert A. Katcher (202) 634-5406.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 202 634-5406

RIN: 1545–AL84

2323. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-934-86

Drafting attorney: Richard M. Elliott (202) 566-6457.

Reviewing attorney: Benedetta A. Kissel (202) 566-3179.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Richard M. Elliott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AJ73

2324. ● INCOME TAX – PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AL77

2325. ● DEEMED PAID CREDIT UNDER SECTIONS 902 AND 960 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86

Drafting attorney: Kenneth Wood (202) 566-6276.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Kenneth Wood, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6276**

RIN: 1545–AL98

2326. ● CARRYBACK AND CARRYFORWARD OF FOREIGN TAX CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the carryback and carryforward of excess foreign tax credits under the provisions of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-945-86

Drafting attorney: Eli J. Dicker (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AM18

2327. ● CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-370-88

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Willard Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3896**

RIN: 1545–AM11

2328. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87

Drafting attorney: Gayle Novig (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mary Bennett (202) 566-5992.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AC06

2329. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE34

2330. ● CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-955-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL81

2331. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would require that once a product election was made it could not be amended.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-450-87

Drafting attorney: Philip Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5992.

Agency Contact: Philip Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AK77

2332. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; sets forth rules exceptions certain foreign corporations from section 953 (a), and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953 (a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-939-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: T. Timothy Tuerff (202 566-5896.

Treasury attorney: Peter Barnes (202) 566-5815

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ70

2333. ● PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 987 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-393-88

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM13

2334. SECTION 988(D) - INTEGRATED HEDGING RULES FOR FOREIGN EXCHANGE GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules regarding fully hedged and partially hedged nonfunctional currency denominated transactions.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-966-86

Drafting attorney: Jeffrey Dorfman (202) 634-5406

Reviewing attorney: Alice Neff (202) 566-6645

13 Income Taxes

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL15

2335. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-936-86

Drafting attorney: Jeffrey Dorfman (202) 634-5406.

Reviewing attorney: Alice Neff (202) 566-6645.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL16

2336. ● DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-104-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Richard L. Chewning (202) 566-6384.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM05

2337. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	07/08/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-237-84.

Drafting attorney: Joyce S. Hendricks (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Robert Scarborough (202) 566-4979.

Agency Contact: Joyce S. Hendricks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH43

2338. INCOME TAX–NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-260-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AH41

2339. INCOME TAX–TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-187-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AC21

2340. INCOME TAX–GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Draft of notice in International Tax Counsel for review.

Agency Contact: David A. Juster, Attorney CC:INTL:Br3, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6384**

RIN: 1545–AC31

2341. ● GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking to amend regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not recognized.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-910-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: unassigned.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL88

2342. INCOME TAX–TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-183-81.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AC34

2343. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-11-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

13 Income Tax

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3287

RIN: 1545–AI59

2344. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-21-85.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, 202 566-6456

RIN: 1545–AH82

2345. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-19-85.

Drafting attorney: Unassigned.

Reviewing attorney: John A. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Unassigned, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AH75

2346. INCOME TAX–TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AC37

2347. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362

Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-260-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Bryan Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE26

2348. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	01/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-261-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing

attorney: Bryan Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE85

2349. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-264-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE88

2350. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-265-82.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE90

2351. CROSS-REFERENCE--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	11/12/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-80-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK93

2352. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, the thereby giving guidance to the public on how the Internal Revenue Service intends to interpret those sections.

Timetable:

Action	Date	FR Cite
NPRM	01/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney:

Bryan P. Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE94

2353. WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund. The notice will be published simultaneously with, and will cross-reference to, temporary regulations dealing with these matters (INTL-938-86). No significant policy issues are involved.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-980-86

Drafting attorney: David Chan (202) 634-5404.

Reviewing attorney: Robert E.Culbertson, Jr. (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AL30

2354. ● NONTAXABLE TRANSFERS UNDER SECTION 1491

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to exempt transfers of property to foreign partnerships from the excise tax imposed by section 1491, on the condition that gain attributable to the property at the time of transfer is taxed to the transferor when subsequently disposed of by the foreign transferee partnership. The regulations will set forth the necessary conditions and exceptions to the exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-260-88

Drafting attorney: Elizabeth Karzon (202) 566-3160.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Elizabeth Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3160

RIN: 1545–AL96

2355. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-222-81.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AC47

2356. INCOME TAX--APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AC55

2357. INCOME TAX--DELETION OF THE REQUIREMENT OF SECTION 1.1502-47 (D) (12) (V) (C) THAT, IN APPLYING TACKING RULE, PROFITABLE AND LOSS LIFE ACTIVITIES NOT BE SEPARATED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will prospectively delete the requirement of section 1.1502-47 (d) (12) (v) (C) relating to the restriction on the separation of profitable activities from loss activities in applying the tacking rule to life insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-157-86

Drafting attorney: Keith Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AI98

2358. CROSS-REFERENCE--CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporation acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-78-87

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK94

2359. CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-4-88

Drafting attorney: Patricia Pellervo (202) 566-3458.

Reviewing attorney: Charles Whedbee (202) 566-3458.

13 Income Taxes

Agency Contact: Patricia Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL44

2360. ● REVISION OF SECTION 1.1502-33

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-68-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL60

2361. ● ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-66-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL62

2362. ● DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a United States corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a United States affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be of available to offset.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-399-88

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Riea M. Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AM16

2363. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-0338-88

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Agency Contact: Riea Lainoff, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AC58

2364. INCOME TAX – AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-152-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AH09

TREAS—IRS **Proposed Rule Stage**

2365. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012 (a) Internal Revenue Code of 1986; 26 USC 2012 (c) Internal Revenue Code of 1986; 26 USC 2013 (b) Internal Revenue Code of 1986; 26 USC 2013 (e) (1) Internal Revenue Code of 1986; 26 USC 2014 (b) (2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038 (a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-212-76.

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545–AC60

2366. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AC62

2367. ● ESTATE TAX-GENERATION-SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's 'GST exemption, and the determination of inclusions ratios.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-73-88

Drafting attorney: Maurice Foley (202) 566-4336.

Reviewing attorney: Fred Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

13 Estate and Gift Tax

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 ConstitutionAvenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL75

2368. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-38-88.

Drafting attorney: Patricia McDermott (202) 566-6650.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6650

RIN: 1545–AF91

2369. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3651.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AF97

2370. EMPLOYMENT TAX–WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6047 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-115-82.

Drafting attorney: Gregory Stull (202) 566-4748.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Gregory Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4748

RIN: 1545–AE98

2371. WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 (d) (13) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: The regulation will provide questions and answers dealing with circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-956-86.

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AL31

2372. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AE20

2373. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-30-83.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AF61

2374. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-142-83.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AF79

2375. ● GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of l986; 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirement under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-77-88

Drafting attorney: Timothy McKenna (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Robert Scarborough (202) 566-4979.

These regulations are from part of 1545-Aj09, relating to bond requirements, as part of the registration and bond requirements.

13 Excise Tax

Agency Contact: Timothy McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Consitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AM32

2376. ● REVISION OF SECTION 48.4181-1(A)(2) OF THE MANUFACTURERS AND RETAILERS EXCISE TAX REGULATIONS RELATING TO THE TAX ON FIREARM PARTS AND ACCESSORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulation will clarify the meaning of the terms "complete firearm" and "parts or accessories of firearms"

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-69-88

Drafting attorney: Donald Fidlow (202) 566-3595.

Reviewing attorney: Richard Kocak (202) 566-3398 and Ada Rousso (202) 566-4336.

13 Excise Tax

Agency Contact: Donald Fidlow, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3595**

RIN: 1545–AL72

2377. INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX--IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986; 26 USC 4662 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the

environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-158-86.

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: William A. Jackson (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AJ23

2378. ● TAX ON CERTAIN IMPORTED SUBSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental tax on certain imported chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-71-88

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: William Jackson (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2599.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL73

2379. INCOME TAX–EXCISE TAX–PROCEDURE AND ADMINISTRATION–VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-76-84.

Drafting attorney: V. A. Moore (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AG18

2380. EXCISE TAX – PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86

Drafting attorney: Suzanne K. Tank (202) 566-6212.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AI82

2381. EXCISE TAX–WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-226-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD00

2382. ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-21-87

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Gerald Rock (202) 566-6456.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL01

2383. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-156-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ98

2384. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section 1.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: V.A. Moore (202) 566-3422.

Reviewing attorney: Paul Accettura (202) 566-3422.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AI52

2385. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-958-86

Drafting attorney: Charles A. Ray (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: Stephen Shay (202) 566-5046.

Agency Contact: Charles A. Ray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ56

2386. RETURNS, ETC. ON CERTAIN FRINGE BENEFIT PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-3544.

Reviewing attorney: Harry Beker (202) 566-3430.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AI22

2387. INFORMATION REGARDING RESIDENT STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ93

2388. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86

Drafting attorney: Charles A. Ray (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-5992.

Agency Contact: Charles A. Ray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AK75

2389. ● REPORTING OF PLAN DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-29-88

Drafting attorney: Gregory J. Stull (202) 566-4748.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4748**

RIN: 1545–AL54

2390. INCOME TAX--TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of l986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-63-87

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan Baker (202) 566-3294.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, llll Constitution Ave., N.W., Washington, D. C. 20224, **202 566-3459**

RIN: 1545–AK36

TREAS—IRS

Proposed Rule Stage

2391. TREATMENT OF NET CAPITAL LOSSES OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS-RELATIONSHIPS BETWEEN CHAPTER 44 EXCISE TAXES AND TAXABLE INCOME

Legal Authority: 26 USC 852(b)(3) Internal Revenue Code of 1986; 26 USC 857(b)(3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would establish rules pertaining to the relationship and effect of net capital losses of RICs and REITs attributable to transactions after the cut-off date for capital transactions and the taxable income if the entity for the subsequent taxable year.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-116-86.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ04

2392. ● EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Notice by cross-reference to temporary regulations under section 6081 of the Code relating to extension of time to file income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-461-87

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM06

2393. ● INCOME TAX-DISCLOSURE OF RETURN INFORMATION TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF COMMERCE FOR CERTAIN STATISTICAL PURPOSES AND RELATED ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would disclose to the Bureau of the Census additional tax return information needed to help them determine whether an individual who itemizes is over 65.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-42-88

Drafting attorney: David E. White (202) 566-3294.

Reviewing attorney: Alice Bennett (202) 566-4473.

13 Procedure and Information

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AM02

2394. ESTATE TAX–PROCEDURE AND ADMINISTRATION–DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-210-76.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AD23

2395. STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 3011 Internal Revenue Code of 1986; 5 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level

proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-237-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AI08

2396. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-269-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Bryan Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE96

2397. PROCEDURE AND ADMINISTRATION REGULATIONS--PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Nancy Olszewski (202) 566-4014.

Reviewing attorney: Robert Miller (202) 566-3362.

Agency Contact: Nancy Olszewski, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4014

RIN: 1545–AI24

2398. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3975

RIN: 1545–AE82

2399. PROCEDURE AND ADMINISTRATION--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-17-88

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: David Dickinson (202) 566-6655.

Treasury attorney: Barksdale Penick (202) 535-6964.

13 Procedure and Administration

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK45

2400. ● GASOLINE EXCISE TAX DEFINITIONS, REGISTRATION REQUIREMENTS, AND SECTION 6416 PROCEDURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6416 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the gasoline excise tax definition of trader, registration verification procedures required for tax-free or reduced rate of tax transfers of gasoline, and additional requirements under section 6416 claims.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-11-88

Drafting attorney: Tim McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Robert Scarborough (202) 566-4979.

13 Excise Tax

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL69

2401. PROCEDURE AND ADMINISTRATION REGULATIONS–EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-162-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AI23

2402. ESSENTIAL ISSUES IN CONNECTION WITH DIFFERENTIAL INTEREST RATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-123-86

Drafting attorney: Michael J. Grace (202)566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK06

2403. PROCEDURE & ADMINISTRATION–ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-272-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Michael J. Grace (202) 566-3288.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AD39

2404. ● USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

GL-238-88

Drafting attorney: Nancy Olszewski (202) 566-4014.

Reviewing attorney: Robert A. Miller (202) 566-3362.

13 Procedure and Administration

Agency Contact: Nancy Olszewski, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4014

RIN: 1545–AL49

2405. INCOME TAX–PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87.

Drafting attorney: John C. Isaacs (202) 566-3257.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3257

RIN: 1545–AE30

2406. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87

Drafting attorney: Michael W. Cogan (202) 566-3441.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Michael W. Cogan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3441

RIN: 1545–AK24

2407. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses with 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully

satisfied and released, and all surplus funds returned to the taxpayer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87

Drafting attorney: Barton J. Uze (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3362.

13 Procedure and Administration

Agency Contact: Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3975

RIN: 1545–AL20

2408. PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-521-87

Drafting attorney: Mitchel S. Hyman (202) 566-4620.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4620

RIN: 1545–AK72

2409. ● CERTAIN PUBLICLY PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-13-88

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Dianna Miosi (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Barksdale Penick (202) 566-6964.

13 Procedure and Administration

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AL57

2410. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-85-85.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AH99

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Final Rule Stage

2411. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-245-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AH06

2412. INCOME TAX–INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-114-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-3331.

Treasury attorney Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AI39

2413. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 28 Internal Revenue Code of 1986; 26 USC 280C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: These regulations will amend the Income Tax Regulations to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1986, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	50 FR 15930
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel Reviewing attorney: Susan

Himes (202) 566-8527.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AF64

2414. INCOME TAX–NOTICE TO EMPLOYEES OR EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514,; 26 USC 6051 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers noting certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22345
NPRM Comment Period End	08/10/87	
Final Action	11/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-99-86

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ44

TREAS—IRS **Final Rule Stage**

2415. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-83-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-3331.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545–AJ65

2416. CLARIFICATION OF DETERMINATION OF BAD DEBT EXPERIENCE UNDER NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This NPRM cross-references to temporary regulations clarifying the determination of bad debt experience under the nonaccrual-experience method of accounting under IRC section 448(d)(5).

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42116
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: LR-62-87

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AK92

2417. LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for Federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42098
Hearing	03/17/88	
Final Action	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-62-87

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-3331.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AL05

2418. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 30 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	48 FR 2790
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AA07

2419. INCOME TAX--TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 38 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51874
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-92-73.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA10

2420. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-183-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AF06

2421. INCOME TAX–INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26794
NPRM Comment Period End	08/27/85	
Hearing	11/15/85	
Final Action	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-238-81.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AA12

2422. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-176-80.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA26

2423. CORPORATE ALTERNATIVE MINIMUM TAX BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 56(c)(1) Internal Revenue Code of 1986; 26 USC 56(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe rules for the computation of the alternative minimum net book income adjustment imposed on corporations.

Timetable:

Action	Date	FR Cite
NPRM	04/27/87	52 FR 15339
NPRM Comment Period End	06/29/87	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-107-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Mark Levy (202) 535-6966.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AJ14

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2424. NET BOOK 'NCOME ADJUSTMENT FOR U.S. BRANCHES OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for computing the alternative minimum tax net book income adjustment of a foreign corporation engaged in a trade or business in the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15234
Final Action	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-55-87

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Mark Levy (202) 535-6966.

International Tax Counsel Reviewing attorney: Peter Daub (202) 566-5791.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AK23

2425. INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-84-87

Drafting attorney: William Jackson (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Tom Evans (202) 566-5453.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3287

RIN: 1545–AL03

2426. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-53-87

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AK21

2427. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	43 FR 4638
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-6260.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6260

RIN: 1545–AA35

2428. INCOME TAX--TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on the taxation and valuation

of fringe benefits. The regulations will also address the requirements for certain fringe benefit exclusions, including nondiscrimination and line of business restrictions.

Timetable:

Action	Date	FR Cite
Hearing	04/16/85	50 FR 7072
NPRM Comment Period End	02/21/86	50 FR 52333
Hearing	03/03/86	51 FR 2898
Hearing	04/29/86	51 FR 8517
NPRM	12/23/86	50 FR 52333
Interim Final Rule	12/23/86	50 FR 52281
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-63-88

Drafting attorney: Rhonda G. Migdail (202) 566-6650.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-6650**

RIN: 1545–AH73

2429. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorneys: John B. Bromell (202) 566-3326, Charles M Whedbee (202) 566-3458, Susan T. Baker (202) 566-3294.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AJ49

2430. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34451
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-153-84.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AI49

2431. INCOME TAX REGULATIONS--MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35447
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-135-86

Drafting attorney: Katherine Wambsgans (202) 566-3288.

Reviewing attorney: Sharon L. Hall (202) 566-3238.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AK14

2432. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under

which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-6260.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6260

RIN: 1545–AA49

2433. INCOME TAX–TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-59-74.

Drafting attorney: Dave Selig (202) 566-4336.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: Dave Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-4336

RIN: 1545–AA56

2434. INCOME TAX–MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-10-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AA63

2435. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51413
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

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Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AE18

2436. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)–RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-221-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AE24

2437. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-157-84.

Drafting attorney: Dave Selig (202) 566-4336.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern(202) 566-2926.

Agency Contact: Dave Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AH19

2438. INCOME TAX–TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545–AK10

2439. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-269-84.

Drafting attorney: Bob Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: Bob Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AH68

2440. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6041 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21688
Final Action	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-3-87

Drafting attorney: Ruth Hoffman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2599.

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, N.W., Washington, DC 20224, 202 566-3287

RIN: 1545–AJ87

2441. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 120 Internal Revenue Code of 1986; 26 USC 501 (c) (20) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	45 FR 28360
Hearing	09/04/80	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AD62

2442. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3561.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AD63

2443. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-222-78.

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AA73

2444. INCOME TAX–PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-83-83.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AF52

2445. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the arbitrage rebate requirements for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: LR-90-86

Drafting attorney: Unassigned.

Reviewing attorney: Gerald Rock (202) 566-6456.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6456

RIN: 1545–AJ81

2446. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Hearing	06/26/86	
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Final Action Effective	12/01/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: LR-146-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-3331.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545–AJ63

2447. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106 (b) Internal Revenue Code of 1986; 26 USC 162 (i) (2) Internal Revenue Code of 1986; 26 USC 162 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86

Drafting attorney: Mark Schwimmer (202) 566-3774.

Review attorney: Colene Mason (202) 566-4741.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3774

RIN: 1545–AI93

2448. INCOME TAX REGULATIONS–LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-137-86

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AK17

2449. ● REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules regarding deductibility of interest on pass-through certificates when certificates are held by nominees.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17960
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INTL-905-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM22

2450. ● REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Publication of section 1.163-5T inadvertently deleted 12/19/86, dealing with deductibility of interest on pass-through certificates.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17959
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-990-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM23

2451. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-147-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AG57

2452. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1250 Internal Revenue Code of 1986; 26 USC 57 (a) (12) Internal Revenue Code of 1986; 26 USC 312 (k) Internal Revenue Code of 1986; 26 USC 172 (b) Internal Revenue Code of 1986; 26 USC 812 (b) Internal Revenue Code of 1986; 26 USC 46 (b) Internal Revenue Code of 1986; 26 USC 53 (c) Internal Revenue Code of 1986; 26 USC 381 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject

to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AA87

2453. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	12/01/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: LR-31-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3294.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AH76

2454. DEDUCTIONS IN EXCESS OF $5000 CLAIMED BY A SUBCHAPTER C CORPORATION FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 (a) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide substantiation requirements with which subchapter C corporations must comply in order to take deductions for charitable contributions of certain property.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-83-87

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Revising attorney: John B. Bromell (202) 566-3326.

Treasury attorney: A.L. Spitzer (202) 566-5911.

13 Income Tax

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AL09

2455. PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19312
Final Action	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-102-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ96

2456. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AD59

2457. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AD66

2458. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 253A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Hearing	12/07/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-168-86.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AK05

2459. PRACTICAL CAPACITY

Legal Authority: 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance on specific issues relating to when section 263A applies and whether certain accounting principles are permitted in accounting for the costs of property produced or property acquired for resales.

Timetable:

Action	Date	FR Cite
NPRM	08/07/87	52 FR 29391
NPRM Comment Period End	10/06/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-73-87

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Paulette Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AK56

2460. REGULATIONS UNDER SECTION 267 OF THE CODE TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 Internal Revenue Code of 1986; 26 USC 706 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method

payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-183-84.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Keith E. Stanley, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AG11

2461. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-188-82.

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AF11

2462. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	47 FR 56367
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-252-81.

Drafting attorney: Christopher Wilson (202) 566-4336.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AB06

2463. INCOME TAX--SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-140-86.

Drafting attorney: Joel Rutstein (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3297

RIN: 1545–AJ40

2464. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is

treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-261-76.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Paul Francis (202) 566-3218.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AB09

2465. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property."

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Second Hearing	03/04/86	51 FR 2898
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-145-84.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: Alice M. Bennett (202) 566-4473.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AG99

2466. LEASED PROPERTY UNDER SECTION 280F

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides inclusion amounts for listed property leased after December 31, 1986.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-1-88

Drafting attorney: Joel Rutstein (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: John Parcell (202) 535-6965.

13 Income Taxes

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AL42

2467. AFFILIATED GROUPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides proper adjustments to stock bases and earnings and profits of members of an affiliated group in section 304 (a) transfers of intragroup stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-2-88

Drafting attorney: Mark Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

13 Income Taxes

Agency Contact: Mark Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL41

2468. INCOME TAX--PART 1 TEMPORARY REGULATIONS-RECOGNITION OF GAIN OR LOSS LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986, SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide rules for the recognition of gain or loss on a corporation's liquidation sales or distributions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-117-86.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ01

TREAS—IRS

Final Rule Stage

2469. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-51-87

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK30

2470. ● APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-15-88

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

13 Income Tax, Normal Taxes and Surtaxes, RICs and REITs

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL65

2471. ● APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to cause the recognition of net gain by the distributing corporation ("parent") upon the distribution of the stock and securities of a controlled corporation ("subsidiary") in a transaction to which section 355 applies when the distribution is part of a transaction that is made with a gain avoidance purpose and within two years of the distribution a person acquires control of the parent or the subsidiary.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-78-88

Drafting attorney: Robert Casey (202) 566-3458.

Reviewing attorney: Charles Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income tax

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM34

2472. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-191-82.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-3458.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AF29

2473. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS **Final Rule Stage**

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-26-83.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-2927.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF38

2474. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-218-83.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Patricia W. Pellervo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF93

2475. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5208
NPRM Comment Period End	04/14/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-35-84.

Drafting attorney: Ken Allison (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Agency Contact: Ken Allison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, **202 566-6457**

RIN: 1545–AG13

2476. QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-33-85.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AH88

2477. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-8-86.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Patricia W. Pellervo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AI53

2478. INCOME TAX-APPLICATION OF INSTALLMENT METHOD OF REPORTING AND MANDATORY APPLICATION OF MADSP FORMULA FOR QUALIFIED STOCK PURCHASES UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the installment method of reporting and will require the use of the MADSP formula in a qualified stock purchase to which section 338 (h) (10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-76-86

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Jud Kelly (202) 535-6960.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ07

2479. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-49-87

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Judge Kelley (202) 535-6960.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK32

2480. INCOME TAX–DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	42 FR 3866
Final Action	10/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-936-70

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AB20

2481. INCOME TAX–TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-993-71.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-5453.

TREAS—IRS **Final Rule Stage**

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AB21

2482. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporations will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
Final Action	01/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-610-86

Drafting attorney: Steven Lipschutz (202) 566-3319.

Reviewing attorney: Charles Saverude (202) 566-6645.

Treasury attorney: Mary Bennet (202) 566-3992.

Agency Contact: Steven Lipschutz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545–AK74

2483. INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	02/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-76-86.

Drafting attorney: Richard Chewning (202) 566-6384.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-6384**

RIN: 1545–AI32

2484. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 7

Legal Deadline: None

Abstract: Temporary regulations would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-991-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AJ76

2485. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 (a) (2) (F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-135-76.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AB31

TREAS—IRS **Final Rule Stage**

2486. INCOME TAX–OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited).

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment Period End	10/13/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-106-86.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AJ00

2487. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information:

LR-66-87.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AK87

2488. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation provides rules for computation of the section 382 limitation by groups filing consolidated returns.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-132-87

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Treasury attorney: Thomas Wessel (202) 566-2927.

Income Taxes

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AL36

2489. ● ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in regulations, sections 382 (b) (3) (A) and (d) (1) of the Internal Revenue Code of 1986 provide for a ratable allocation of income or net operating loss, respectively, for the taxable year that includes the change date. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books as of the change date (rather than on the basis of a ratable allocation). The notice also states that the regulations, in appropriate circumstances, will permit income that is realized after the date, but is properly attributable to the period ending with the change date, to be allocated to the pre-change period. The purpose of this regulation project is to provide guidance in the areas suggested by the notice and in related areas.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-49-88

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL58

2490. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-68-87

Drafting attorney: Thomas J. Kane (202) 566-9293.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-9293

RIN: 1545–AK28

2491. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (a) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3459.

Reviewing attorney: Michael A. Thrasher (202) 566-3561.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AD68

2492. INCOME TAX--REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408 (a) (6) Internal Revenue Code of 1986; 26 USC 401 (a) (9) Internal Revenue Code of 1986; 26 USC 408 (b) (3) Internal Revenue Code of 1986; 26 USC 408 (d) (3) (C) Internal Revenue Code of 1986; 26 USC 219 (d) (4) Internal Revenue Code of 1986; 26 USC 403 (b) (10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6650

RIN: 1545–AE95

2493. NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-35-85.

Drafting attorney: William D. Gibbs (202) 566-3060

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AH80

TREAS—IRS

Final Rule Stage

2494. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401 (k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-158-86

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AI79

2495. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-160-86

Drafting attorney: William D. Gibbs (202) 566-3406.

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AI80

2496. INCOME TAX–TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 402 (a) (2) Internal Revenue Code of 1986; 26 USC 402 (e) Internal Revenue Code of 1986; 26 USC 403 (a) (2) (A) (iii) Internal Revenue Code of 1986; 26 USC 411 (d) (1) Internal Revenue Code of 1986; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
Corrected NPRM	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	40 FR 18798
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
NPRM - Additional	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6650**

RIN: 1545–AD73

2497. INCOME TAX–DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Nerman D. Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Nerman D. Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD81

2498. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408

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Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-83.

Drafting attorney: William Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AF83

2499. INCOME TAX–COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (d) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6650

RIN: 1545–AD83

2500. SURVIVOR BENEFITS, DISTRIBUTION RESTRICTIONS AND VARIOUS OTHER ISSUES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the effective dates, transitional rules, restrictions on distributions from employee plans and other issues arising under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-85

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway (202) 566-8277.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AH01

2501. INC. TAX – PART 1 – BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (b) (1) (H) Internal Revenue Code of 1986; 26 USC 411 (b) (2) Internal Revenue Code of 1986; 26 USC 410 (a) (2) Internal Revenue Code of 1986; 26 USC 411 (a) (8) (B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86

Drafting attorney: Michael Garvey (202) 566-6212

Reviewing attorney: Richard J. Wickersham (202) 566-4621

Treasury attorney: Paul Strella (202) 566-8277

Agency Contact: Michael Garvey, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AI85

2502. INCOME TAX - PART 1 - MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986"

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86

Drafting attorney: V.A. Moore (202) 566-3422.

Reviewing attorney: James Brokaw (202) 566-4173.

Treasury attorney: Harry Conaway (202) 566-8277.

Cross-Reference to EE-73-87

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AI88

2503. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986; 26 USC 413 (b) Internal Revenue Code of 1986; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-99-78.

Drafting attorney: Steven T. Miller (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AD84

2504. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Michael Garvey (202) 566-6212.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AD90

2505. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (n) Internal Revenue Code of 1986; 26 USC 414 (m) (5) Internal Revenue Code of 1986; 26 USC 414 (o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Michael Garvey (202) 566-6212.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AE91

TREAS—IRS **Final Rule Stage**

2506. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-129-86

Drafting attorney: Nancy J. Marks (202) 566-3938.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Legislative Counsel (Treasury reviewing attorneys: Harry S. Conaway (202) 566-8277.

Cross Reference to EE-74-87

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3938**

RIN: 1545–AI91

2507. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 417 Internal Revenue Code of 1986; 26 USC 401 (a) (11) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	10/22/82	47 FR 47600
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Harry J. Conaway (202) 566-8277.

NPRM published under EE-52-78; contents of file transferred to EE-94-84.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AG72

2508. TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-45-87

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AK63

2509. ● ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-53-88

Drafting attorney: Arthur Davis (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

13 Income taxes

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AL68

2510. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters

prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-122-86.

Drafting attorney: Katherine L. Wambsgans (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Katherine L. Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3288

RIN: 1545–AJ52

2511. ● NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING--CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 (d) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448 (d) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-79-88

Drafting attorney: Katherine Wambsgans (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Thomas Evans (202) 566-8277.

13 Income Tax

Agency Contact: Katherine Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AM83

2512. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-121-85.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-4902.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AI19

2513. INCOME TAX--GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-173-80.

Drafting attorney: Unassigned.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Ellen Aprill (202) 566-2567.

Agency Contact: Unassigned, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AB42

2514. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-184-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB43

2515. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-186-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB44

2516. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-146-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB47

2517. ● TRANSITIONAL RULE RELATING TO CERTAIN INSTALLMENT SALES BY MANUFACTURERS TO DEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance with respect to an exception from the general rules applicable to installment sales.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26279
Final Action	07/20/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-51-88

Drafting attorney: William L. Blagg (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Taxes

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AL55

2518. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26903
NPRM Comment Period End	09/26/86	51 FR 26903
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-141-83.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF71

2519. CERTAIN INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to the requirement that certain indebtedness of a taxpayer be treated as a payment on certain installment obligations held by the taxpayer.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-93-86

Drafting attorney: William L. Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AJ27

2520. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-195-78.

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB48

2521. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/22/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-257-84.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AH33

2522. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-144-76.

Drafting attorney: Unassigned.

Reviewing attorney: Cynthia C. Clark (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-8277.

Agency Contact: Unassigned, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB51

2523. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-168-76.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB52

TREAS—IRS **Final Rule Stage**

2524. AGGREGATION OF CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-155-85.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AI41

2525. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None
As an alternative to a no-rule position on this issue, the Service could publish a revenue procedure that contains the terms and conditions of a plan that must be.

Abstract: The proposed regulations address essential issues in connection with pass'ive activity losses and credits.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-14-88

Drafting attorney: Michael Grace (202) 566-3288.

Reviewing attorney: Michael Grace (202) 566-3288.

Treasury attorney: John H. Parcell(202) 535-6965.

13 Income Tax

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AB26

2526. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-254-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AB55

2527. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-30-87

Drafting attorney: Arthur E. Davis III(202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK65

2528. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (c) (12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244

TREAS—IRS **Final Rule Stage**

Action	Date	FR Cite
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-17-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD99

2529. ● CONSENT DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking concerning rules relating to section 565 to limit the availability of consent dividend procedure of section 565 to only those entities entitled to a dividend paid deduction under section 561.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47609
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-313-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL86

2530. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-152-79.

Drafting attorney: Susan E. Overlander (202) 566-3459.

Reviewing attorney: Alice M. Bennett (202) 566-4473.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AB66

2531. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 (a) Internal Revenue Code of 1986; 26 USC 703 (a) Internal Revenue Code of 1986; 26 USC 705 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB73

2532. INCOME TAX--TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A (c) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AB74

2533. INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meals, travel, and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6670
Final Action	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-29-87

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter Woo (202) 566-3297.

Office of Tax Legislative Counsel attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AK80

2534. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-101-86.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: J. Richard Harvey (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ47

2535. MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-71-86.

Drafting attorney: Sharon Hall (202) 566-3238.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK04

2536. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32664
NPRM Comment Period End	11/14/86	51 FR 32664
Hearing	07/01/87	
Final Action	10/20/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-295-84.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8277.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG79

2537. TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	01/05/88	53 FR 153
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-65-87

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK49

2538. TEMPORARY INCOME TAX REGULATIONS–DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-138-86.

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3238

RIN: 1545–AI96

2539. APPORTIONMENT OF EXPENSES IN THE FSC AND DISC CONTEXTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide guidance on how expenses in the DISC and FSC contexts will be apportioned.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17473
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-028-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: T. Timothy Tuerff (202) 566-9050.

Treasury attorney: Mark Beams (202) 566-8275.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AK78

2540. ● CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
Temporary regulation	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-078-87

Drafting attorney: David F. Chan (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-3896.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM09

2541. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expenses attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge against interest rate fluctuation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-987-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Bob Katcher (20) 634-5406.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

TREAS—IRS **Final Rule Stage**

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL26

2542. ● ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporation.

Timetable:

Action	Date	FR Cite
Temporary regulation	10/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-976-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM21

2543. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: Barbara Felker and Riea Lainoff (202) 634-5406 and (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

Agency Contact: Barbara Allen Felker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AH85

2544. ALLOCATION AND APPORTIONMENT OF EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 861 (b) Internal Revenue Code of 1986; 26 USC 863 (b) Internal Revenue Code of 1986; 26 USC 864 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to the allocation and apportionment of expenses, including interest expense for purposes of the foreign tax credit rules and other international tax provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/11/87	52 FR 4580
NPRM Comment Period End	10/26/87	
Hearing	11/13/87	
Final Action	10/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-935-86

Drafting attorney: David Merrick (202) 566-6275.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Tax

Agency Contact: David Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6276**

RIN: 1545–AL21

2545. ● TEMPORARY REGULATIONS FOR SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide temporary rules for determining the source of income from sales of personal property until final regulations may be promulgated.

Timetable:

Action	Date	FR Cite
Temporary regulation	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-356-88

Drafting attorney: Carol P. Tello (202) 634-5404.

Reviewing attorney: Robert E. Culbertson (202) 634-5404.

Treasury attorney: Mary Bennett (202) 566-2964.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave. N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AL78

TREAS—IRS

Final Rule Stage

2546. ● EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Temporary regulations providing rules enforcing the exclusion from portfolio interest of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
Temporary regulation	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-921-87

Drafting attorney: Carl M. Cooper (202) 634-5404.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM29

2547. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND SECOND LEVEL WITHHOLDING TAXES (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
Temporary Regulation	08/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-979-86

Drafting attorney: Richard M. Elliott (202) 566-6457.

Reviewing attorney: Benedetta A. Kissel (202) 566-3179.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AJ77

2548. ● INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Bernard T. Bress (202) 566-6440.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6384**

RIN: 1545–AL93

2549. INCOME TAX--PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 (e) (2) Internal Revenue Code of 1986; 26 USC 897 (g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-48-86

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AB98

2550. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders

under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Final Action	01/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6008.

Treasury attorney: David Crowe (202) 566-6645.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545–AK79

2551. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1203

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset the taxpayer's other foreign source income subject to a separate limitation for the taxable year on a proportionate basis before such losses offset the taxpayer's U.S. source income. Accordingly, the regulation will provide rules for the allocation of foreign source losses incurred in taxable years beginning before the effective date of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17472
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-932-86

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran-Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., **202 566-3896**

RIN: 1545–AL17

2552. INCOME TAX--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	01/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86

Drafting attorney: Eli J. Dicker (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: David Crowe (202) 566-4791.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, **202 566-6384**

RIN: 1545–AC09

2553. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925 (b) (1) Internal Revenue Code of 1986; 26 USC 925 (b) (2) Internal Revenue Code of 1986; 26 USC 927 (d) (2) (B) Internal Revenue Code of 1986; 26 USC 927 (e) (1) to 927 (e) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Treasury attorney: D. Crowe (202) 566-8275.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AI16

2554. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (d) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Temporary Regulation	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AC10

2555. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32308
NPRM Comment Period End	10/26/87	
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE38

2556. ● SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Riea M. Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AM15

2557. FUNCTIONAL CURRENCY

Legal Authority: 26 USC 7805 Internal Revenue Code Of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules for determining the currency an entity will compute gain or loss. If the entity is a foreign entity, it may be allowed to compute its gain or loss in a foreign currency and translate the net amount of such gain or loss into U.S. dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20337
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-962-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL24

2558. ● PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 787 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

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Timetable:

Action	Date	FR Cite
Temporary regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-392-88

Drafting attorney: David Rosenberg (202) 634.5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 634-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM14

2559. ● DEFINITION OF A QUALIFIED BUSINESS UNIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Certain foreign operations of a United States person or foreign corporation may have a functional currency other than the United States dollar if such operations satisfy the requirements for a qualified business unit.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20650
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-983-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM31

2560. TRANSITION RULE FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act, foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20651
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-964-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: P. Ann Fisher (202) 566-4979.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL29

2561. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3872

RIN: 1545–AG71

2562. INCOME TAX–TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-182-78.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AC20

2563. CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33427
NPRM Comment Period End	11/02/87	
Final Action	11/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-960-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Stephen Shay (202) 566-5046.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ92

2564. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-119-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorneys: Patricia W. Pellervo (202) 566-3458 and Charles Whedbee (202) 566-3458.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ06

2565. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) (1) Internal Revenue Code of 1986; 26 USC 1092 (b) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-299-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AH59

2566. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	10/00/89	

Small Entities Affected: None

TREAS—IRS

Final Rule Stage

Government Levels Affected: None

Additional Information: LR-297-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AH60

2567. ● GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable:

Action	Date	FR Cite
Temporary regulation	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL89

2568. INCOME TAX–GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-276-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Barksdale Penick (202) 535-6964.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AC35

2569. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-10-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3287

RIN: 1545–AI72

2570. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computer based on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-189-84.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Reed Shuldiner (202)-566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AH46

2571. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 06781
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86

Drafting attorney: Gayle Novig (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mary Bennett (202) 566-5992.

Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AI33

2572. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-262-82.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE86

2573. TEMPORARY REGULATION--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/12/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-6-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK91

2574. INCOME TAX—CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1378 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	48 FR 03637

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-1-83.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AF30

2575. APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12194
NPRM Comment Period End	06/15/87	52 FR 12194
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-154-86

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545–AJ94

2576. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-41-86

Drafting attorney: Lilo A. Hester (202) 566-5862.

Reviewing attorney: Michael F. Patton (202) 566-5862.

Treasury attorney: Peter Daub (202) 566-5815.

Agency Contact: Lilo Alfreida Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Suite 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545–AH86

2577. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund significant policy issues tax involved.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86

Drafting attorney: David F.Chan (202) 634-5404.

Reviewing attorney: Robert E. Culbertson, Jr. (202) 634-5401.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attn: CC:INTL, Room 3042, **202 634-5404**

RIN: 1545–AL32

2578. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-97-79.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AC48

2579. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-15-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3458

RIN: 1545–AI58

2580. TEMPORARY REGULATIONS-CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporate acquisitions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-4-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK95

2581. ● CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revision of section 1.1502-32 to alleviate the problems that occur when a subsidiary is deconsolidated and the consent dividend election is not available to the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-28-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Treasury attorney: Bryan Collins (202) 566-2175 and Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL59

2582. ● ADJUSTMENT REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group, where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-12-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL61

2583. ● AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS **Final Rule Stage**

Abstract: The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-47-88

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2928.

13 Income Tax

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL63

2584. ● AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF CERTAIN ORGANIZATIONS WHOSE TAX-EXEMPT STATUS WAS REVOKED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 833 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Temporary regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-67-88

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

13 Income Tax

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL64

2585. ● CONSOLIDATED INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-3 (f) (2)

Legal Deadline: None

Abstract: Section 47 (a) (1) of the Internal Revenue Code and the regulations thereunder provide the general rule that if section 38 property is disposed of there shall be recapture of investment credit. Section 1.1502-3 (f) (2) provides an exception to that rule for the transfer of section 38 property between members of an affiliated group; such a transfer will not cause a disposition within the meaning of section 47 (a) (1). This exception is premised on treating the affiliated group, for investment tax credit purposes, as a single entity that continues to own the property after the transfer. Such a premise is not justified, and the exception does not apply, if at the time of the transfer there is an intent that the property subsequently leave the group in a transaction described in section 1.1502-13 (f). See Rev. Rul. 82-20, 1982-1 CB 6. In such a case, recapture is appropriate. The regulation will amend section 1.1502-3 (f) (2) to make this explicit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-80-88

Drafting attorney: Claire Toth (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3458.

13 Income tax

Agency Contact: Claire Toth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AM35

2586. ● TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32(T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events in (payment of dividend and declaration of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-81-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Treasury attorney: Bryan Collins (202) 566-2175.

13 Income tax

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM36

TREAS—IRS

Final Rule Stage

2587. DUAL RESIDENT COMPANIES LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation. Regulations may exempt a U.S. corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-961-86

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: David Crowe (202) 566-8275.

Agency Contact: Riea Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ54

2588. CROSS-REFERENCE--ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-23-87.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK88

2589. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AC63

2590. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-211-76.

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the

TREAS—IRS **Final Rule Stage**

Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AC67

2591. ESTATE TAX–GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-128-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AJ11

2592. EMPLOYMENT TAX–TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	10/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-23-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Treasury attorney: Paul Strella (202) 535-6965.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AC77

2593. BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to incorrect TIN.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-8-88

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-3331.

Treasury attorney: Susan Himes (202) 566-8527.

13 Income Taxes

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AL48

2594. ● BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20% of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 634-5406.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL99

2595. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES–REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26

USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 566-6244.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6244**

RIN: 1545–AE62

2596. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6524
NPRM Comment Period End	05/02/88	53 FR 6524
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-114-86.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: William Jackson (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AJ13

2597. ● TAXABILITY OF CONVERTER DOLLIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145.4051

Legal Deadline: None

Abstract: The regulation will address whether converter dollies for truck semitrailers are subject to tax under section 4051 of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-59-88

Drafting attorney: Theodore Margopulos (202) 566-3582.

Reviewing attorney: Richard Kocak (202) 566-3398 and Ada Rousso (202) 566-3287.

13 Excise Tax

Agency Contact: Theodore N. Margopulos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3582**

RIN: 1545–AL71

2598. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-17-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AI51

2599. EXCISE TAX--COLLECTION OF EXCISE TAX IMPOSED ON THE SALE OR REMOVAL OF GASOLINE

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

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Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44141
Hearing	01/05/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-115-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Robert Scarborough (202) 566-4979.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AJ09

2600. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides guidance on the collection of diesel fuel excise tax under the Revenue Act of 1987.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-3-88

Drafting attorney: Lauren Shaw (202) 566-3287.

Reviewing attorney: William Jackson (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453.

13 Excise Taxes

Agency Contact: Lauren Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL43

2601. ● GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirements under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
Temporary regulation	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-60-88

Drafting attorney: Tim McKenna(202) 566-3287.

Reviewing attorney: Ada S. Rousso(202) 566-3287.

Treasury attorney: Robert Scarborough (202) 566-4979.

These regulations are from part of 1545-AJ09, relating to bond, as part of the registration and bond requirements.

13 Excise Tax

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL70

2602. INCOME TAX--LOBBYING BY PUBLIC CHARITIES AND PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None

Abstract: The regulations will provide rules applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures, and will also apply to lobbying expenditures by private foundations.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40211
NPRM Comment Period End	04/03/87	52 FR 802
Hearing	05/11/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-154-78.

Drafting attorney: Jerome P. Walsh Skelly (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Agency Contact: Jerome P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AE02

2603. EXCISE TAX--ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	
Hearing See additional information	04/16/85	50 FR 7072
Final Action	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-139-87

Drafting attorney: Rhonda G. Migdail (202) 566-6650.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section 4977 regulations will be provided exclusively in this project.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-6650

RIN: 1545–AI63

2604. EXCISE TAX -- EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorneys: Paul Strella/Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AI81

2605. EXCISE TAX–ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-225-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AC94

2606. EXCISE TAX–INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4993 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	49 FR 35517
Hearing	07/26/85	
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD04

2607. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4992 Internal Revenue Code of 1986; 26 USC 4994 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	48 FR 2552
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-217-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD01

2608. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-34-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David A. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD08

2609. EXCISE TAX ON "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides a 50-percent excise tax on any gain realized by a person who receives "greenmail".

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-7-88

Drafting attorney: Robert Casey (202) 566-3458.

Reviewing attorney: Charles Whedbee (202) 566-3458.

Treasury attorney: J. Judge Kelley (202) 566-8278.

Excise Taxes

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL47

2610. ELIMINATION OF FORM 941 FILING REQUIREMENT FOR QUARTERS IN WHICH SEASONAL EMPLOYERS PAY NO WAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Regulations would direct the public to the instructions to Form 941 to find exceptions to the filing requirements of the form for seasonal and intermittent employers with respect to quarters in which no wages were paid.

Timetable:

Action	Date	FR Cite
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-57-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545–AI56

2611. EXCISE TAX -- PART 54 -- PROCEDURE AND ADMINISTRATION--PART 301 -- FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86

Drafting attorney: Suzanne K. Tank (202) 566-3430.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AI83

2612. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a

partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-198-82.

Drafting attorney: Joyce S. Hendricks (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Joyce S. Hendricks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE40

2613. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary regulations will provide rules relating to nominee reporting of partnership interest which such nominee hold s for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
Temporary Regulation		
Temporary Regulation	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-155-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ97

2614. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-201-83.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney. Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG02

2615. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-62-84.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG52

2616. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation proposed to adopt as final rules relating to the reporting of real estate transactions.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-95-86.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3238

RIN: 1545–AJ25

2617. INCOME TAX–INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would propose additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
Temporary regulation	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-130-87

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

13 Income taxes

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AL06

2618. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-181-84.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG48

2619. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28669
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: LR-133-86

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Judge J. Kelley (202) 535-6960.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ05

2620. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-29-88

Drafting attorney: James A. Orefice (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: Greg Marich (202) 566-5453.

13 Income Taxes

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W.,

Washington, D.C. 20224, Attn: CC:LR:T, 202 566-3238

RIN: 1545–AL38

2621. ● EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Regulations to repeal extension of time to file income tax returns for taxpayers traveling outside the United States and Puerto Rico.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-287-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM07

2622. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-142-84.

Drafting attorney: Paulette Galanko (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AG45

2623. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad repayment tax.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	
NPRM Comment Period End	01/05/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-12-86.

Drafting attorney: John B. Bromell (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Scherbel (202) 535-6963.

Duplicate of RIN 1545-AI73

Agency Contact: John B. Bromell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AI60

2624. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-205-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Dianna Miosi (202) 566-3297.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AE51

TREAS—IRS **Final Rule Stage**

2625. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-74-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Bryan P.

Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AJ99

2626. ELECTRONIC FILING OF NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation clarifies that the term "Form 668" as used in section 6323 (f) (3) of the Code includes a notice of federal tax lien filed by the use of an electronic or magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

Timetable:

Action	Date	FR Cite
NPRM	02/23/88	53 FR 5279
NPRM Comment Period End	04/25/88	53 FR 5279
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-39-87

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AK96

2627. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
NPRM Comment Period End	11/30/85	50 FR 39713
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3238

RIN: 1545–AG95

2628. PROCEDURE AND ADMINISTRATIVE–REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-72-86

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AK12

2629. ● PROCEDURE AND ADMINISTRATIONS–REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
Temporary regulation	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-41-88

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: David Dickinson (202) 566-6655.

Treasury attorney: Barksdale Penick (202) 535-6964.

13 Procedure and Administration

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AL66

2630. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-34-87

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AK71

2631. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-280-82.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AF10

2632. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-180-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AG75

2633. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545–AE37

2634. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34358

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

LR-l42-86.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: Sharon Galm (202) 566-3930.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3459

RIN: 1545–AJ29

2635. PROCEDURE AND ADMINISTRATION–PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-24-87

Drafting attorney: David Haglund (202) 566-3297.

Agency Contact: David Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3297

RIN: 1545–AL04

2636. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-3-85.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AH91

2637. PROCEDURE AND ADMINISTRATION–AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-1406.

Drafting attorney: Katherine Wambsgans (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AD42

2638. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	06/15/88	
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-55-86.

Drafting attorney: Peter Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: P. Ann Fisher (202) 566-4439.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AH13

2639. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-3459.

Reviewing attorney: Michael A. Thrasher (202) 566-3561.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545–AI21

2640. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-221-83.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Office of Tax Legislative Counsel: Elliot Stern (202) 566-2926.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AF77

2641. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-165-84.

Drafting attorney: Sharon L. Hall (202) 566-3238.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AH72

2642. INCOME TAX–MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 46 USC 1177 Merchant Marine Act of 1936; 26 USC 7518 Internal Revenue Code of 1986

CFR Citation: 26 CFR 3

Legal Deadline: None

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	41 FR 04280
Hearing	07/07/76	

TREAS—IRS **Final Rule Stage**

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-149-75.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Robert J. Mason (202) 566-3463.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3458

RIN: 1545–AD46

DEPARTMENT OF THE TREASURY (TREAS) — Completed Actions
Internal Revenue Service (IRS)

2643. INCOME TAX--THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	44 FR 05910
Hearing	06/27/79	
Final Action T.D. 8183	03/02/88	53 FR 6614

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-73-75.

Drafting attorney: Robert Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA13

2644. INCOME TAX--DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	47 FR 24142
Final Action T.D.8195	04/18/88	53 FR 12677

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AA22

2645. NET BOOK INCOME ADJUSTMENT FOR U.S. BRANCHES OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for computing the alternative minimum tax net book income adjustment of a foreign corporation engaged in a trade or business in the United States.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8197	04/28/88	53 FR 15200

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-54-87

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Mark Levy (202) 535-6966.

International Tax Counsel Reviewing Attorney: Peter Daub (202) 566-5791.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AK22

2646. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
Final Action T.D.8189	03/28/88	53 FR 9870

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-96-86.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorneys: John B. Bromell (202) 566-3326 and Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.,N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AJ48

2647. AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (c) (6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	50 FR 00837
Closed without regulations	07/25/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-192-84.

Drafting attorney: Howard Gensler (202) 566-3459.

Reviewing attorney: Gerald Rock (202) 566-6456.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Howard Gensler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545–AH07

2648. INCOME TAX--DEFINITION OF "PRIVATE ACTIVITY BOND"

Significance: Regulatory Program

Legal Authority: 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance regarding the definition of private activity bonds", issued by State or local governmental units, which are generally taxable unless a specific exception applies to such bond issue. The Tax Reform Act of 1986 made significant revisions regarding this subject matter.

Timetable:

Action	Date	FR Cite
Closed without regulations	04/20/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-87-86.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel attorney: Elliot Stern (202) 566-2926.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3590**

RIN: 1545–AJ34

2649. ● TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE DIVIDEND AND INTEREST TAX COMPLIANCE ACT OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Temporary regulations republishing section 1.163-5T, inadvertently deleted on 12/19/86, dealing with deductibility of interest paid on pass-through certificates.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8202	05/19/88	53 FR 17927

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-634-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM24

2650. ● REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Final regulations making technical corrections to section 1.163-5(c).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8203	05/19/88	53 FR 17926

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-635-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

Final regulation to correct INTL-50-86.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM25

2651. ● SANCTIONS ON ISSUES AND HOLDERS OF REGISTRATION REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form that is otherwise a registration required obligation because the issuer satisfies the foreign targeting requirement of section 163(f)(2)(B).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8110	12/19/86	51 FR 45453

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INTL-050-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM27

2652. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
Closed without regulations	03/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-166-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3294.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545–AJ36

2653. DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 (a) (1) Internal Revenue Code of 1986; 26 USC 6050L Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	49 FR 50740
Hearing	06/28/85	
Final Action T.D.8199	05/05/88	53 FR 16076

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: A.L. Spitzer (202) 565-5911.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AG86

2654. FINAL REGULATIONS RELATING TO THE CHARITABLE CONTRIBUTIONS DEDUCTION IN THE CONTEXT OF BARGAIN SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide that a charitable contribution deduction will be disallowed if the amount of the contribution is less than the amount of gain that would have been recognized had the contributed portion of the property been sold by the donor of its fair market value at the time of the sale or exchange.

Timetable:

Action	Date	FR Cite
Final Action T.D.8176	02/25/88	53 FR 5568

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-7-87

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Agency Contact: Joel S. Rustein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3297

RIN: 1545–AJ85

2655. INCOME TAX -- PART 1, EXCISE TAX -- PART 54, INDIVIDUAL RETIREMENT ACCOUNTS AFTER TRA '86

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986;

26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans and spousal individual retirement plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/22/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-26-87

Drafting attorney: William Gibbs (202) 566-3060.

Review attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: William Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AK47

2656. CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (k) Internal Revenue Code of 1986; 26 USC 402 (a) (8) Internal Revenue Code of 1986; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period End	02/15/82	47 FR 00988
Hearing	04/20/82	
Final Action - T.D. 8217	08/08/88	53 FR 29653

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-169-78.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AD72

2657. STUDY OF NEED FOR SPECIAL ANTIDISCRIMINATION RULES FOR PENSION, ETC. PLANS OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Study of need for rules relating to antidiscrimination for state and local government plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-51-87

Drafting attorney: Mary E. Brennan (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AK44

2658. RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and 6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 3798
NPRMDocument published is only a portion of total NPRM project	01/30/86	51 FR 03798
Hearing	05/22/86	51 FR 12340
Final Action T.D. 8212	07/11/88	53 FR 26050

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-95-84.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545–AH03

2659. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/23/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545–AE39

2660. INCOME TAX-PART I - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for reducing accrued benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-48-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with temporary regulations EE-47-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545–AI46

2661. INCOME TAX-PART 1 - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide temporary guidelines for reducing benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-47-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with NPRM EE-48-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545–AI48

2662. INCOME TAX-PART 1 - VARIANCE FROM MINIMUM FUNDING STANDARD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would supersede Rev. Proc. 83-41 and prescribe a standard waiver application form.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-42-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Jonathan Marget (202) 566-3651.

Agency Contact: Mary Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3903

RIN: 1545–AI55

2663. INCOME TAX–DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (b) Internal Revenue Code of 1986; 26 USC 414 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	40 FR 51467
Final Action T.D. 8179	03/02/88	53 FR 6603

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-209-74.

Drafting attorney: Patricia Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Patricia Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AB35

2664. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD87

2665. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(q) Internal Revenue Code of 1986; 26 USC 414(s) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.

Abstract: Provisions relating to the scope and meaning of the terms "highly compensated employee" and "compensation".

Timetable:

Action	Date	FR Cite
Final Action T.D. 8173	02/19/88	53 FR 4965

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-74-87

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Cross Reference to EE-129-86

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C., **202 566-3903**

RIN: 1545–AK40

2666. LIMITATIONS ON CONTRIBUTIONS AND BENEFITS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0415 Internal Revenue Code of 1986; 26 USC 401 (a) (17) Internal Revenue Code of 1986; 26 USC 404 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address changes to limitations on contributions and benefits under qualified plans, a limit on the annual compensation which may be taken into account, special treatment of certain medical benefit accounts, retirement savings for church employees, and special rules for disabled participants. A special rule applies to participants with less than ten years of participation.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-25-87

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AK42

2667. INCOME TAX--CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by an employer will not be a taxable event. At the time such option is exercised by the employee no amount of the spread between the fair market value of the stock at exercise and the option price will be included in the employee's gross income. When the stock acquired through the exercise of the option is sold, the entire gain will be treated as capital gain and not ordinary income if certain holding period and employment relationship requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	49 FR 4504
Hearing	06/21/84	49 FR 17040
Closed without regulations	07/07/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-279-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Michael J. Grace (202) 566-3288.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AB36

2668. ELECTION OF TAXABLE YEARS OTHER THAN REQUIRED TAXABLE YEAR BY PARTNERSHIPS, S CORPORATIONS, AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than required taxable years.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8205	05/27/88	53 FR 19688

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-6-88

Drafting attorney: Arthur Davis (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3336.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

13 Income Taxes

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AL46

2669. CLARIFICATION OF DETERMINATION OF BAD DEBT EXPERIENCE UNDER NONACCRUAL-EXPERIENCE ACCOUNTING METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation provides a clarification of determining the bad debt experience under nonaccrual-experience accounting methods.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8194	04/15/88	53 FR 12513

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-133-87

Drafting attorney: Katherine Lee Wambsgans (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: Thomas Evans (202) 566-8277.

13 Income Taxes

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545–AL39

2670. ● TRANSITIONAL RULE RELATING TO CERTAIN INSTALLMENT SALES BY MANUFACTURERS TO DEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance with respect to an exception from the general rules applicable to installment sales.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8213	07/12/88	53 FR 26243

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-18-88

Drafting attorney: William L. Blagg (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Tax

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C.20224, 202 566-3238

RIN: 1545–AL56

2671. INCOME TAX REGULATIONS – SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 468A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the Federal income tax treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted, and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25070
NPRM Comment Period End	09/08/86	51 FR 25070
Final Action T.D. 8184	03/03/88	53 FR 6800
Final Action Effective	03/03/88	53 FR 6800

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-18-85.

Drafting attorney: Bill Blagg (202) 566-3238.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AI01

2672. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers on the most essential issues in connection with the computation of a taxpayer's passive activity loss and passive activity credit.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8175	02/25/88	53 FR 5686

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-126-86

Drafting attorney: Michael J.Grace (202) 566-3288.

Reviewing attorney: Michael J. Grace (202) 566-3288.

Treasury attorney: John H. Parcell (202) 535-6965.

Income Tax

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3288**

RIN: 1545–AK18

2673. INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meal, travel and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
Final Action T.D.8182	03/02/88	53 FR 6602

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-28-87

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AK85

2674. ● TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8171	01/05/88	53 FR 117

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-64-87

Drafting attorney: Bill Blagg (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Don Rocap (202) 566-8278.

13 Income Tax

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AL51

2675. ● CONSENT DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations under section 565 to limit the availability of consent dividend procedure of section 565 to only those entities entitled to a dividend paid deduction under section 561.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8166	12/15/87	52 FR 47554

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-312-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mark Beams (202) 566-8275.

Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL87

2676. ● TREATMENT OF RELATED PERSON FACTORING, CERTAIN INVESTMENTS IN UNITED STATES PROPERTY, STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary and final regulations provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons, as well as changes to regulations relating to the determination of the amount of earnings of a controlled foreign corporation invested in United States property and redemptions of stock through the use of related persons.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8209	06/14/88	53 FR 22163

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-323-88

Drafting attorney: Barbara A. Felker (202) 634-5406 and Riea Lainoff (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Barbara Allen Felker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL79

2677. INCOME TAX–ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986; 26 USC 1442 Internal Revenue Code of 1986; 26 USC 3401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	41 FR 28517
Hearing	11/18/76	
Closed without regulations	07/28/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-237-86

Drafting attorney: Theresa E. Bearman (202) 566-3407.

Reviewing attorney: Robert A. Katcher (202) 566-3407.

Agency Contact: Theresa E. Bearman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3407

RIN: 1545–AB93

2678. REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-39-86

Drafting attorney: Carl Cooper (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3388

RIN: 1545–AG66

2679. EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986; 26 USC 1442 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45484
Closed. See INTL-50-86	07/27/88	

INTL-53-86

Hearing 01/28/85 (49 FR 47870)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-53-86.

Drafting attorney: Carl Cooper (202) 576-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3388

RIN: 1545–AH15

2680. ● REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations to enforce the exclusion from portfolio interest treatment of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8111	12/19/86	51 FR 45461

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-896-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM26

2681. FOUR PERCENT TAX ON GROSS TRANSPORTATION INCOME AND ECI

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 887 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Four percent tax in gross transportation income. The regulation will address the circumstances in which persons must pay a transportation on tax on a gross basis, and the circumstances in which they have effectively connected transportation income so that they must file a tax return and pay the tax on a net basis.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/24/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-940-86

Drafting attorney: David L. Paul (202) 566-3289.

Reviewing attorney: John F. Dean (202) 566-3289.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: David L. Paul, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545–AJ60

2682. IMPOSITION OF TAX ON GROSS TRANSPORTATION INCOME OF NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 887 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for implementing the four percent tax on gross transportation income of nonresident aliens and foreign corporations.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/24/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-940-86

Drafting attorney: Patricia Bray (202) 566-6645.

Reviewing attorney: Jacob Feldman (202) 566-6645.

Treasury attorney: Mark Beams (202) 566-8275.

Agency Contact: Patricia A. Bray, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 202 566-6645

RIN: 1545–AK76

2683. INCOME TAX–INCOME OF FOREIGN GOVERNMENTS AND OF INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules governing the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8211	06/27/88	53 FR 24060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-959-86

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Bernard T. Bress (202) 566-6440.

Office of International Tax Counsel (Treasury) Reviewing attorney: Peter Daub (202) 566-2964.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545–AJ79

2684. TEMPORARY REGULATIONS--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Regulations would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8198	05/05/88	53 FR 16214

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-38-86.

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545–AF17

2685. INCOME TAX--RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 (f) Internal Revenue Code of 1986; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3193
Hearing	06/05/86	51 FR 11323
Final Action T.D. 8153	08/25/87	52 FR 31992

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-47-86

Drafting attorney: Carolyn M. DuPuy (202) 634-5406.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Carolyn M. DuPuy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AC05

2686. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the separate application of the foreign tax credit limitation with respect to certain categories of income. The regulation will define the separate limitations, provide operational rules for determining the separate limitations (including look-through rules) and provide certain transition rules.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32242
NPRM Comment Period End	10/26/87	52 FR 32242
Hearing	11/12/87	
Final Action T.D. 8214	07/18/88	53 FR 27006

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-931-86

Drafting attorney: Carolyn Dupuy (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

Agency Contact: Carolyn M. Dupuy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AJ69

2687. ● SECTION 904 (F) TRANSITION RULE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 changed the order in which foreign source losses offset U.S. source and foreign source income of a taxpayer. Transition rules are necessary to set forth the treatment in years following the effective date of the tax reform act of foreign source losses incurred before the effective date.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8201	05/17/88	53 FR 17461

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-275-88

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Willard Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3896**

RIN: 1545–AM10

2688. ● FOREIGN TAX CREDIT: NOTIFICATION AND ADJUSTMENT DUE TO FOREIGN TAX REDETERMINATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 989 (c) (4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations relate to a taxpayer's obligation under section 905(c) of the Internal Revenue Code of 1986 to file a notice of a foreign tax redetermination or to make an adjustment to the taxpayer's pools of earnings and profits and foreign taxes, as the case may be, and the civil penalty for failure to file that notice or to make such adjustment.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8210	06/23/88	53 FR 23611

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-279-88

Drafting attorney: Eli J. Dicker (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AM17

2689. SUBPART F FPHC DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include the definition of income equivalent to interest, of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8216	07/21/88	53 FR 27489

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-953-86

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-3289.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Riea M. Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ61

2690. FUNCTIONAL CURRENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules for determining the currency an entity is a foreign entity it may be allowed to compute its gain or loss in foreign currency and translate the net amount of such gain or loss into U.S. dollars.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8208	06/03/88	53 FR 20308

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-982-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL27

2691. ● DEFINITION OF A QUALIFIED BUSINESS UNIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations relating to certain foreign operations of a United States person or foreign corporation having a functional currency other than the United States dollar if such operations satisfy the requirements for a qualified business unit.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8206	06/06/88	53 FR 20612

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-963-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM28

2692. TRANSITION RULES FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8207	06/06/88	53 FR 20614

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-984-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: P. Ann Fisher (202) 566-4979.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL28

2693. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC

755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain information reporting requirements.

Timetable:

Action	Date	FR Cite
Final Action - T.D. 8215	07/18/88	53 FR 27035

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-118-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ03

2694. ● PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986; 26 USC 1297 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that provide guidance to passive foreign investment companies and their shareholders that are United States persons about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8178	03/02/88	53 FR 06770

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-655-87

Drafting attorney: Gayle Novig (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-5986.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AL76

2695. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of section1.1502-32 to alleviate the problems that occur when a subsidiary is deconsolidated and the consent dividend election is not available to the consolidated group.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8188	03/17/88	53 FR 8747

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-5-88

Drafting attorney: Judith Winkler (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

13 Income Taxes

Agency Contact: Judith Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL45

2696. ● AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Recent amendments of the Internal Revenue Code result in some corporations recognizing gain upon complete liquidation. This project addresses the treatment of such gain upon liquidations within consolidated groups.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8196	04/18/88	53 FR 12678

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-44-88

Drafting attorney: Patricia Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-2928.

13 Income Tax

Agency Contact: Patricia Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL52

2697. ESTATE TAX–GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 (b) Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation-skipping transfers.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8187	03/15/88	53 FR 8441

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

LR-127-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AJ12

2698. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8181	03/01/88	53 FR 6518

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-117-87

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: William A. Jackson (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-5453.

Excise Taxes

Agency Contact: Lauren G. Shaw, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20008, **202 566-3287**

RIN: 1545–AL14

2699. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None

Abstract: These regulations will define the term "first retail sale" and provide rules relating to the determination if the retail sales price where the tax is paid by the manufacturer and where a long-term lease is treated as a taxable sale.

Timetable:

Action	Date	FR Cite
Final Action - T.D. 8200	05/12/88	53 FR 16867

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-1-86.

Drafting attorney: Maurice B. Foley (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-4336**

RIN: 1545–AI62

2700. REDUCTION OF THE HEAVY VEHICLE USE TAX FOR FOREIGN-BASED TRUCKS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 41

Legal Deadline: None

Abstract: This project will address how the heavy vehicle use tax will be imposed on foreign-based trucks at a reduced rate and what proof of payment of the tax must be presented upon entry into the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33602
Final Action T.D. 8177	03/02/88	53 FR 6625

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-33-87

Drafting attorney: William A. Jackson (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AK98

2701. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53

Legal Deadline: None

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Closed without regulations	06/20/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-84.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AG49

2702. EXCISE TAXES RELATING TO REAL ESTATE INVESTMENT TRUSTS AND REGULATED INVESTMENT COMPANIES UNDER THE TAX REFORM ACT OF 1986

Legal Authority: 26 USC 4981 Internal Revenue Code of 1986; 26 USC 4982 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 55

Legal Deadline: None

Abstract: The regulation would provide guidance pertaining to the excise taxes relating to real estate investment trusts and regulated investment companies under the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
NPRM	09/09/87	52 FR 33953
ANPRM Comment Period End	10/30/87	
NPRM Comment Period End	11/09/87	52 FR 33953
Final Action T.D. 8180	03/01/88	53 FR 6146

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-104-86.

Drafting attorney: Robert M. Casey (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AJ02

2703. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4997 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	47 FR 50306
Final Action T.D.8185	03/02/88	53 FR 6626

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-224-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AC96

2704. ● AMENDMENT TO THE REGULATIONS UNDER SECTION 6041 TO EXEMPT FROM REPORTING REQUIREMENTS PAYMENTS MADE BY CERTAIN NON-PROFIT ORGANIZATIONS AS AN AWARD TO AN INFORMER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will exempt certain 501 (c) (3) organizations from the reporting requirements of section 6041 when paying rewards to informers.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8193	04/13/88	53 FR 12149

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-119-87

Drafting attorney: Dave Selig (202) 566-4336.

Reviewing attorney: John Coulter (202) 566-3331.

13 Income Tax

Agency Contact: Dave Selig, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL50

2705. INCOME TAX–MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33551
NPRM Comment Period End	10/21/85	50 FR 33551
Hearing	01/07/86	50 FR 46674
Final Action T.D. 8191	04/12/88	53 FR 12000

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-214-84.

Drafting attorney: James A. Orefice (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AG93

2706. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M

Timetable:

Action	Date	FR Cite
Closed without regulations	06/13/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-161-86

Drafting attorney: Keith E. Stanley (202) 566-3458

Reviewing attorney: Charles M. Whedbee (202) 566-3458

13 Information Returns

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AL33

2707. GRANT OF AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP AND TRUST RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6081 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation grants an automatic extension of time for taxpayers who file partnership and trust returns.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8190	04/05/88	53 FR 11066

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-131-87

Drafting attorney: James A. Orefice (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3336.

13 Income Taxes

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AL37

2708. TO REQUIRE FINANCIAL INSTITUTIONS TO DEPOSIT ESTIMATED TAX ON TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 25 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would require certain financial institutions to make through the Federal Tax Deposit system quarterly estimated income tax payments with respect to certain trusts and estates.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44139
NPRM Comment Period End	01/04/88	52 FR 44140
Final Action T.D. 8192	04/12/88	53 FR 12006

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-81-87

Drafting attorney: John A. Tolleris (202) 566-6260.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3331.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, llll Constitution Ave., N.W., Washington, D. C. 20224, 202 566-6260

RIN: 1545–AK35

2709. ELECTRONIC FILING OF NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation clarifies that the term "Form 668" as used in section 6323 (f) (3) of the Code includes a notice of magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8174	02/23/88	53 FR 5269

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-18-87

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AL00

[FR Doc. 88-21379 Filed 10-21-88; 8:45 am]

BILLING CODE 4830-01-T

federal register

Monday
October 24, 1988

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Stewart A. Davis, Acting General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: September 9, 1988.

Donna M. Alvarado,

Director.

ACTION (ACTION)

Prerule Stage

2710. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION Title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jeanne D. McCamley, Acting Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA06

2711. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jeanne D. McCamley, Acting Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA07

2712. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None

Abstract: In accordance with the Freedom of Information Act (5 USC 522), the Agency is updating its regulation concerning the release of Agency information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell Genebach, Director, Planning, Budget and Management Division, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9137**

RIN: 3001–AA09

2713. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

ACTION

Prerule Stage

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951 ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jeanne D. McCamley, Acting Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, 202 634-9312

RIN: 3001–AA10

ACTION (ACTION)

Completed Actions

2714. NONPROCUREMENT DEBARMENT AND SUSPENSION

CFR Citation: 45 CFR 1229

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Margaret McHale 202 634-9150

RIN: 3001–AA14

[FR Doc. 88-21380 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XVII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 810

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following ACHP regulation is scheduled for development from October 1988 through September 1989. It is submitted herein for publication in the Unified Agenda of Federal Regulations, EO 12291.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific information.

Advisory Council on Historic Preservation.

Robert D. Bush,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

Proposed Rule Stage

2715. ● FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from $0.10 to $0.13 per page; fees for searches by professional staff from $2.00 to $4.65 per quarter hour; and fees for searches by clerical staff from $1.00 to $2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	02/00/89	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Katherine Barns Soffer, Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW #809, Washington, DC 20004, 202 786-0503

RIN: 3010–AA03

[FR Doc. 88-23609 Filed 10-21-88; 8:45 am]

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Monday
October 24, 1988

Part XVIII

Agency for International Development

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (AID) is publishing this agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives AID's plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in AID's rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, DC 20523, Telephone (703) 875-1573.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: August 25, 1988.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Proposed Rule Stage

2716. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (AID), acting as an agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, PL 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412–AA05

2717. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau For Food for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412–AA06

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

Completed Actions

2718. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT -- EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 209

Legal Deadline: None

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Withdrawn	08/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leticia Peoples, Equal Opportunity Officer, Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, 202 663-1340

RIN: 0412–AA01

2719. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Legal Deadline: None

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement Title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Withdrawn	08/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leticia Peoples, Equal Opportunity Officer, Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, 202 663-1340

RIN: 0412–AA04

[FR Doc. 88-20665 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XIX

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Mr. Mark W. Smith, General Attorney, 202/653-7834 (voice or TDD).

William J. Tangye,

Chairperson, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

2720. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Legal Deadline: None

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until sufficient research information and/or field experience is obtained. At present the ATBCB is reviewing comments on the proposed rule to add provisions for leased facilities. In a separate notice of proposed rulemaking, the Board will propose the incorporation of certain technical specifications (including detectable warnings and signage) of the Uniform Federal Accessibility Standards and American National Standards Institute A117.1 (1986) standard into the ATBCB Minimum Guidelines and Requirements for Accessible Design.

Timetable:

ANSI/UFAS Technical Specifications
- NPRM 09/16/87 (52 FR 34955)
- NPRM Comment Period End 11/16/87

Leased Facilities
- NPRM 02/11/87 (52 FR 4352)
- NPRM Public Comment Period End 03/13/87
- Final Action 09/14/88 (53 FR 35507)

UFAS Technical Specifications
- Final Action ANSI 10/00/88

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Mark W. Smith, General Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Suite 500, Washington, DC 20036, 202 653-7834

RIN: 3014–AA00

2721. PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1150

Legal Deadline: None

Abstract: The current regulation sets forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, PL 90-480, as amended, 42 USC 4151 et seq. The Board has published an interim rule revising this regulation to provide a 180-day period for informally resolving complaints in place of the previous 90-day period. This interim rule is expected to be published as a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Request for Comment	05/22/86	51 FR 18788
Interim Final Rule Comment Period End	07/21/86	
NPRM	12/23/87	52 FR 48546
NPRM Comment Period End	02/22/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Washington, DC 20036, 202 653-7834

RIN: 3014–AA03

2722. INFORMATION AVAILABILITY: PROCEDURES (36 CFR 1120)

Legal Authority: 5 USC 552

CFR Citation: 36 CFR 1120, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: This interim final rule amends the ATBCB's regulations to establish a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA) requests as required by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/10/87	52 FR 43193
Final Action Effective	12/00/88	

Small Entities Affected: None

Final Rule Stage

ATBCB

Government Levels Affected:
Undetermined

Agency Contact: Mark W. Smith, General Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA04

[FR Doc. 88-20666 Filed 10-21-88; 8:45 am]
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federal register

Monday
October 24, 1988

Part XX

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 12-month period from October 1, 1988 through September 30, 1989. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: William H. Gillers, Solicitor, U.S. Commission on Civil Rights, 1121 Vermont Ave., NW., Room 606, Washington, DC 20425, (202) 376-8514.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

William H. Gillers,

Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR)

Proposed Rule Stage

2723. IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552

CFR Citation: 45 CFR 704.1, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: The regulation implements the 1986 statutory amendments to the Freedom of Information Act (FOIA) (5 USC 552). The revised provisions modify the terms of exemption 7 and also establish new procedures regarding the charging and waiving of fees pursuant to a FOIA request.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willian H. Gillers, Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 606, Washington, DC 20425, 202 376-8514

RIN: 3035–AA00

COMMISSION ON CIVIL RIGHTS (CCR)

Final Rule Stage

2724. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504-HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 707

Legal Deadline: None

Abstract: The proposed regulation provides for the implementation of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22534
NPRM Comment Period End	08/15/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Howard, General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 600, Washington, DC 20425, 202 376-8351

RIN: 3035–AA01

[FR Doc. 88-21000 Filed 10-21-88; 8:45am]

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federal register

Monday
October 24, 1988

Part XXI

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3440-3]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises and issues the Regulatory Agenda semiannually, and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5475.

If you have any suggestions for improving this publication, or need general information about the agenda, please call or write to Angela Suber, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-7205.

FOR FURTHER INFORMATION CONTACT: For specific information on any item in the agenda, please contact the person listed with each entry.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)
Marine Protection, Research, and Sanctuaries Act (MPRSA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General - Other Acts (including grant and procurement regulations that cut across several program areas)

Organization of the Agenda

The agenda is organized by statute, and in several cases it combines regulations with differing statutory authorities that have closely related subject matter. For example, the Asbestos-in-Schools Inspection, Abatement, and Disposal regulation is written under AHERA, but appears with regulations under TSCA.

Within each statutory listing, the regulations are ordered numerically, by section number of the authorizing legislation. For example, all RCRA regulations under section 3001 appear before those under section 3006.

Within each statutory area the entries are further divided into four categories: (1) Prerule Stage; (2) Proposed Rule Stage; (3) Final Rule Stage; and (4) Completed Actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

Appendix A includes a list of abbreviations of terms used in this document.

I. Prerulemakings

Prerulemaking actions include activities intended to determine whether or how to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action, requests for public comment on the need for regulatory action, or important pre-regulatory policy proposals.

This section also includes existing EPA regulations that are now under review. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, the Agency will list these reviews in the completed section of the agenda. If EPA decides to revise or rescind the regulation, the action will appear in the proposed rule section of the next agenda, which will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 which is intended to establish annually the Administration's Regulatory Program. It defines priority activities that federal departments and agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 which establishes the general policy that federal departments and agencies should review their regulations to ensure that the costs of the regulations are justified by the benefits of the regulation.

The Regulatory Flexibility Act (RFA) which requires that federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment regarding RFA issues on the list of regulations EPA is reviewing.

Reviews EPA has targeted under the RFA are identified in the "Small Entities Affected" category. This year the agenda also identifies the type of entity affected (businesses or governmental jurisdictions and organizations). Also identified is whether the regulatory action affects State, Local, or Federal governments. These changes will enable organizations representing local governments to make greater use of the agenda.

When the Agency completes reviews of regulations with a significant impact on small entities, the agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement

complies with the RFA and EPA's July 16, 1981 plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act (PRA) which requires federal departments and agencies to review their information collection activities to assure that they need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at EPA or at some other federal agency. In addition, the PRA requires agencies to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and the agencies.

II. Proposed and Final Rules

EPA generally lists regulations in this category of the agenda once they are within a year of proposal or final action. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections; or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for the first time are marked with bullets (●).

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498; or the Agency has designated for priority development or revision. These regulations are also subject to certain provisions of EO 12291, RFA, and PRA.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:

- Title
- Priority classification (if applicable)
- Legal authority
- CFR reference
- Legal deadline (if applicable)
- Short abstract
- Timetable of existing and scheduled actions
- Reference to small entity impacts (yes, no, or undetermined)
- Additional information (includes the FTS phone number for the Agency contact, the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes, and any other information that is not included in the abstract)
- Agency contact
- Analysis section (if the Agency is preparing a Regulatory Impact Analysis (RIA) and/or an RFA)

III. Completed Actions

These are actions that appeared in the last agenda, which EPA is deleting because they are completed or are no longer under consideration. Information on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) An explanation of why the Agency is deleting the regulation from the agenda, or (2) the publication date and **Federal Register** citation of the final rule.

Robert H. Wayland, III,

Deputy Assistant Administrator for Policy, Planning and Evaluation.

Appendix A -- (Abbreviations)

ANPRM - Advance Notice of Proposed Rulemaking
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
MCLG - Maximum Contaminant Level Goals
NEPA - National Environmental Policy Act
NESHAPS - National Emission Standards for Hazardous Air Pollutants
NPDES - National Pollutant Discharge Elimination System
NPDWR - National Primary Drinking Water Regulations
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyls
POTW - Publicly Owned Treatment Works
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulation Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contract
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemicals

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2725	SAR No. 2444. Food Additive Regulations Concerning Pesticide Residues: Procedural Regulations	2070-AB78
2726	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60

EPA

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2727	SAR No. 2567. Registration Data Requirements for Pesticide Product Performance and Companion Pesticide Assessment Guidelines (Revision)	2070-AB82
2728	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
2729	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
2730	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76
2731	SAR No. 2445. Amendments to Experimental Use Permits Rules for Certain Microbial Pesticides (Revision)	2070-AB77
2732	SAR No.2659 Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AB95
2733	SAR No. 2639 Child-Resistant Packaging Regulations (Revision)	2070-AB96

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2734	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2735	SAR No. 1703. FIFRA Good Laboratory Practice Standards (Revision)	2070-AB68
2736	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
2737	SAR No. 2314. Advertising of Unregistered Pesticides, Unregistered Uses of Registered Pesticides and FIFRA 24(c) Registrations	2070-AB47
2738	SAR No. 2554. Policy on Advertising Claims Made for Registered Products	2070-AB88
2739	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2740	SAR No. 1964. Comprehensive Revision of Pesticide Registration and Classification Procedures (Revision)	2070-AA56
2741	SAR No. 2317. Restricted Use Classification for Certain Active Ingredients Used in Termiticides	2070-AB53
2742	SAR No. 1747. Registration of Pesticide Producing Establishments (Revision)	2070-AA04
2743	SAR No. 2013. User Charges for Pesticide Registrations	2070-AB52

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2744	SAR No. 2555. Toxic Chemical "Peak Release" Reporting Rule (Revision)	2070-AB86
2745	Decisions on Test Rules: Proposed Rules	2070-AB07
2746	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB84
2747	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2748	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2749	Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2750	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
2751	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB61
2752	SAR No. 2561. Proposal to Exempt Certain Microorganisms from PMN Requirements under TSCA 5(h)(4)	2070-AB89
2753	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2754	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
2755	SAR No. 2297. PCB Spill Cleanup Recordkeeping Rule	2070-AB45
2756	SAR No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyl Disposal Permits	2070-AB81

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Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2757	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
2758	SAR No. 1886. TSCA Good Laboratory Practice Standards (Revision)	2070-AB65
2759	Decision on Test Rules: Final Rules	2070-AB94
2760	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB67
2761	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2762	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2763	SAR No. 2550. PCB Notification and Manifesting Rule	2070-AB83
2764	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08
2765	SAR No. 1139. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
2766	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2767	SAR No. 2549. Asbestos-Containing Materials in Schools; Transport and Disposal Rule (Revision)	2070-AB87
2768	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
2769	SAR No. 2562. Recodification of TSCA CFR Section 721	2070-AB85
2770	SAR No. 2149. Nitrosamines in Metalworking Fluids	2070-AB09
2771	SAR No. 2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
2772	SAR No. 2447. PCBs in Electrical Transformers (Revision)	2070-AB74
2773	SAR No. 2324. User Fees for Processing PMNs	2070-AB54

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2774	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2775	SAR No. 1427. Effluent Guidelines for Pharmaceuticals	2040-AA13
2776	SAR No. 2583. Effluent Guidelines for Nonferrous Metals Manufacturing (Phase II) (Revisions)	2040-AB31
2777	SAR No. 2473. Effluent Guidelines for Pesticides Chemicals	2040-AB32
2778	SAR No. 1410 Effluent Guidelines for Pulp, Paper and Paperboard	2040-AB53
2779	SAR No. 2475. NPDES, Permits for Dredged or Fill Material, and Water Quality Standards -- Revision for Indian Tribes	2040-AB36
2780	SAR No. 2493. NPDES Regulatory Revisions	2040-AB38
2781	SAR No. 2525. interpretation of Provisions of Section 304(1) of the CWA	2040-AB46
2782	SAR No. 2580. Procedural Rules for Class I Administrative Penalty Proceedings under the CWA	2040-AB49
2783	SAR No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharge into Marine Waters	2040-AB29
2784	SAR No. 2617 Estuary Program Grant Regulation	2040-AB54
2785	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2786	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90
2787	SAR No. 2501. NPDES Permit Application Form 2C, Standard Form A, and Short Form A (Revision)	2040-AB39
2788	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
2789	SAR No. 2515. Citizen Suit Notice Regulation under the CWA	2040-AB50
2790	SAR No. 2189. Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78
2791	SAR No. 2301 Ocean Incineration Site Evaluation, Solicitation, and Designation	2040-AB28
2792	SAR No. 2342. EPA Administered Programs: The National Pollutant Discharge Elimination System for Existing and New Sources: Proposals to Implement the Recommendations of the Domestic Sewage Study	2040-AA99

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2793	SAR No. 2300. Guidelines for Classifying Ground Water under the EPA Ground Water Protection Strategy	2040-AA85
2794	SAR No. 1962. Secondary Treatment/Percent Removal Requirements for Combined Sewer Systems	2040-AB13
2795	SAR No. 2163. National Pollutant Discharge Elimination System Sewage Sludge Permit Regulations; State Sludge Management Program Requirements	
2796	SAR No. 2479. Water Quality Planning and Management Grants for Indian Tribes	2040-AA73
2797	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AB35
2798	SAR No. 2585. Comprehensive Construction Grant Regulation Revision	2040-AA70
2799	SAR No. 2600. Effluent Guidelines for Nonferrous Metals Forming (Revision)	2040-AB25
2800	SAR No. 1438 Effluent Guidelines for Aluminum Forming (Revision)	2040-AB30
2801	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AB52
2802	SAR No. 2140. Ocean Incineration Regulation (Revision)	2040-AA81
2803	SAR No. 2581. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Effective Dates and Capacity Variances for Selected First Third Wastes	2040-AA72 2040-AB47

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2804	SAR No. 1425. Effluent Guidelines for Gum and Wood (Revision)	2040-AA17
2805	SAR No. 2584. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
2806	SAR No. 1410. Effluent Guidelines for Nonferrous Metals: (Phase I) (Revision)	2040-AA96
2807	SAR No. 2395. Definition of "Waters of the United States"	2040-AB01
2808	SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2809	SAR No.2590 Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	
2810	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AC30
2811	SAR No. 2073. Residual Radioactivity	2060-AA04 2060-AB31

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2812	SAR No. 1162. Transuranium Elements	2060-AA01
2813	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02
2814	SAR No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2815	SAR No. 2489. Revision to Public Water System Supervision (PWSS) State Primacy Requirements	2040-AB26
2816	SAR No. 2426. Revisions to the Safe Drinking Water Act's Underground Injection Control Regulations	2040-AB27
2817	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants (Phase II, 40 Contaminants)	2040-AA55

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Safe Drinking Water Act (SDWA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2818	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
2819	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
2820	SAR No. 2630. National Primary Drinking Water Regulations: Inorganic and Organic Compounds (Phase V/25 Contaminants)	2040-AB11
2821	SAR No. 2381 Public Water Supply Supervision Program Administrative Enforcement Implementation Procedures	2040-AB07

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2822	SAR No. 2211. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Amendments To Technical Requirements for Class I Hazardous Waste Injection Wells	2040-AB03
2823	SAR No. 2440. Indian Rule for the Welthead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
2824	SAR No. 2376. Criteria for Filtration and Disinfection of Surface Water and Primary Drinking Water Regulations for Microbiological Contaminants	2040-AB24
2825	SAR No. 2610 National Primary Drinking Water Regulations: Lead and Copper	2040-AB51
2826	SAR No. 2131. Underground Injection Control Program on Indian Lands	2040-AA76
2827	SAR No. 2383. SDWA Indian Primacy Regulations	2040-AB04
2828	SAR No. 2378. Public Water System Supervision Program: Ban on Lead in Plumbing	2040-AB05
2829	SAR No. 2405. Criteria for Identifying Critical Aquifer Protection Areas	2040-AB23

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2830	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2831	SAR No. 2434. Management of Used Oil	2050-AC17
2832	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC53

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2833	SAR No. 2634 Oil Pollution Prevention Regulation	2050-AC62
2834	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
2835	SAR No. 2622 Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions, use of Groundwater Data in Delisting Decisions	2050-AC65
2836	SAR No. 2527. New Requirements for State Hazardous Waste Programs	2050-AC51
2837	SAR No. 2524. No-Migration Variance for Restricted Hazardous Waste Land Disposal	2050-AC56
2838	SAR No. 2174 Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Waste	2050-AC59
2839	SAR No. 2494. Municipal Waste Combustor Ash Management	2050-AC24

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2840	SAR No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846) Incorporation by Reference and Mandatory Good Laboratory Practices	2050-AC32
2841	SAR No. 2068. Sampling and Analysis Methods for Waste Testing	2050-AA82
2842	SAR No.2568 Air Toxicity Characteristic for Hazardous Waste	2050-AC23
2843	SAR No. 2482. Concentration-Based Relisting of Wastes from Chlorinated Aliphatics	2050-AC30
2844	SAR No. 2483. Concentration-Based Relisting of Wastes from Explosives, Inorganic Chemicals, and Iron and Steel Industries	2050-AC31
2845	SAR No. 2571. Determination on Solid Waste from Selected Metallic Ore Processing Operations	2050-AC54
2846	SAR No. 2635 Exclusions for Waste Generated On-Board Ships (Revision)	2050-AC61
2847	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
2848	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
2849	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB67
2850	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80
2851	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
2852	SAR No. 2453. Emission Controls for Hazardous Waste Incinerators	2050-AB90
2853	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
2854	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
2855	SAR No. 2503. Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units	2050-AC28
2856	SAR No. 2522. Land Disposal Restriction for Second Third of Scheduled Wastes	2050-AC55
2857	SAR No. 2570 Modification of the Definition of Wastewater Treatment Unit	2050-AC66
2858	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Ground Water Monitoring	2050-AC05
2859	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
2860	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
2861	SAR No. 2611 Guideline for Procurement of Insulation Products Containing Recovered Materials	2050-AC69
2862	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances- Financial Responsibility Requirements	2050-AC15
2863	SAR No. 2642 Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Financial Test for Self Insurance for Local Government Entities	2050-AC67
2864	SAR No. 2643 Implementation of Title III on Indian Lands	2050-AC64

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2865	SAR No. 2226. Identification and Listing of Hazardous Wastes - Petroleum Refinery Primary Treatment Sludge	2050-AB70
2866	SAR No. 2157 For further information contact the RCRA/Superfund Identification and Listing of Hazardous Waste - Methyl Bromide	2050-AC60
2867	SAR No. 2575 RCRA Definition of Solid Waste (Revision)	2050-AC68
2868	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
2869	SAR No. 2398. Changes to Interim Status and Permitted Facilities for Hazardous Waste Management; Procedures for Post-Closure Permitting	2050-AC29
2870	SAR No. 2510. Guideline for Federal Procurement for Retread Tires	2050-AC52
2871	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
2872	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AB12
2873	SAR No. 2277. Ground-Water Monitoring at Hazardous Waste Facilities	2050-AB20
2874	SAR No. 2487. Delay in the Closure Period for Hazardous Waste Management Facilities	2050-AB71
2875	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
2876	SAR No. 2436. Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities	2050-AB92
2877	SAR No. 2460. Liability Requirements for Hazardous Waste Facilities - Other Instruments	2050-AC19
2878	SAR No. 1805. Permit Modifications for Hazardous Waste Management Facilities	2050-AC22
2879	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units and Delisting Hazardous Wastes	2050-AC20
2880	SAR No. 2544. Trial Burns for Existing Hazardous Waste Incinerators	2050-AC50
2881	SAR No. 2255. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements	2050-AB89
2882	SAR No. 2641 Underground Storage Tanks Containing Petroleum-Financial Responsibility Requirements; Suspension of Enforcement Procedures	2050-AC63

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Resource Conservation and Recovery Act (RCRA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2883	SAR No. 2234. Underground Storage Tanks - State Program Approval	2050-AB31

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2884	SAR No. 2449. Determination on Wastes from the Exploration, Development or Production of Crude Oil, Natural Gas, and Geothermal Energy	2050-AC08
2885	SAR No. 2452. Land Disposal Restrictions for First Third of Scheduled Wastes	2050-AC13
2886	SAR No. 2257. Guidelines for Content in Re-refined Oil Procured by the Federal Government	2050-AB53
2887	SAR No. 2433. Minimum Recovered Materials Content in Paper and Paper Products Procured by the Federal Government	2050-AC18
2888	SAR No. 2202, 2221, and 2256. Underground Storage Tanks - Technical Requirements	2050-AB19

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2889	SAR No. 1920. NAAQS: Ozone(Review)	2060-AA96
2890	SAR No. 1004. NAAQS: Nitrogen Dioxide (Review)	2060-AC06
2891	SAR No. 1001. NAAQS: Carbon Monoxide (Review)	2060-AC07
2892	SAR No. 1010. NSPS: Organic Solvent Degreasing	2060-AA12
2893	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2894	SAR No. 1695. NSPS: Organic Solvent Degreasing (111d)	2060-AA33
2895	SAR No. 2387. NSPS: Coal Preparation Plants (Review)	2060-AB84
2896	SAR No. 2430. NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants(Review)	2060-AC21
2897	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
2898	SAR No. 1869. NESHAP:Cadmium	2060-AB92
2899	SAR No. 2360. NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
2900	SAR No. 1695. NESHAP: Organic Solvent Degreasing	2060-AC31
2901	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60
2902	SAR No. 2365. Fuel and Fuel Additives: Health and Emissions Effects Testing	2060-AC10

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2903	SAR No. 1919. NAAQS: Lead (Review)	2060-AA95
2904	SAR No. 2577. NAAQS: Fine Particulate Matter	2060-AC32
2905	SAR No. 2428. Federal Promulgation of State Implementation Plan to Protect Visibility	2060-AB82
2906	SAR No. 2608 New Source Review Requirements -- CMA Exhibit B	2060-AC54
2907	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
2908	SAR No. 2239. NSPS: Small Boilers	2060-AB95
2909	SAR No. 2424. NSPS: Municipal Waste Combustors	2060-AC26
2910	SAR No. 2535. NSPS: Municipal Landfills	2060-AC42
2911	SAR No. 1686. NESHAP: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
2912	SAR No. 1714. NESHAP: Asbestos (Revision)	2060-AB51
2913	SAR No. 2181. NESHAP:Chromium	2060-AB83
2914	SAR No. 2386. NESHAP: Chromium--Industrial Cooling Towers	2060-AC12
2915	SAR No. 2386. NESHAP: Chromium--Electroplating	2060-AC14
2916	SAR No. 2363. NESHAP: Hazardous Organics	2060-AC19
2917	SAR No. 2484 NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28

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Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2918	SAR No. 2558. NESHAP: Benzene Reconsideration	2060-AC41
2919	SAR No. 2547. NESHAP: Radionuclides	2060-AC47
2920	SAR No. 2557. Guideline on Air Quality Models (Revision)	2060-AC43
2921	SAR No. 2491. PSD Increments for PM10	2060-AC33
2922	SAR No. 2287. Hydrocarbon Standards for Light-Duty Trucks (Revision)	2060-AB85
2923	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
2924	SAR No. 1315. Trading and Banking of Heavy-duty Engine NOx and PM Emission Credits	2060-AC05
2925	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08
2926	SAR No. 2431. Nonconformance Penalties for 1991 through 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	
2927	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AC39
2928	SAR No. 2637 Alternative Test Procedures for the Voluntary Aftermarket Part Certification Program	2060-AB53
2929	SAR No. 2638 Motor Vehicle Emissions Performance Warranty Short Tests	2060-AC50
2930	SAR No. 2366. Diesel Fuel Quality standards	2060-AC51
2931	SAR No. 2629 General Requirements for Determination of Gasoline Metal Content	2060-AC11
2932	SAR No. 2604 Fuel and Fuel Additives: Enforcement of Section 211(f)(4) Waivers	2060-AC52
2933	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AC53
		2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2934	SAR No. 5440 State Implementation Plans: Attainment Status Designations	2060-AC56
2935	SAR No. 1002. NAAQS: Sulfur Oxides (Revision)	2060-AA61
2936	SAR No. 1845. New Source Review Requirements -- CMA Exhibit A	2060-AA68
2937	SAR No. 2298 New Source Review Requirements -- Surface Coal Mines and Fugitive Emissions	2060-AC40
2938	SAR No. 1618. NSPS: SOCMI Air Oxidation Process	2060-AA30
2939	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
2940	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
2941	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
2942	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
2943	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
2944	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
2945	SAR No. 2186. NSPS: Cement Plants (Revision)	2060-AB38
2946	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
2947	SAR No. 1696. NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
2948	SAR No. 1928. NSPS: Magnetic Tape Manufacturing	2060-AB88
2949	SAR No. 2559. State Implementation Plans: Approval of Post -1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards NAAQS	
2950	SAR No. 2386. NESHAP: Chromium--Comfort Cooling Towers	2060-AB96
2951	SAR No. 2543. Rural Fugitive Dust Policy for PM10	2060-AC13
2952	SAR No. 2421. PSD Regulations for NOx	2060-AC44
2953	SAR No. 2112. Emission Standards and Test Procedures for Methanol-Fueled New Motor Vehicles	2060-AC24
2954	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB28
2955	SAR No. 2416. Particulate Emission Standards for Certain 1987 and Later Model Year Light-Duty Diesel Trucks (Revision)	2060-AB89
2956	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AC18
2957	SAR No. 2385 Amendments to Selective Enforcement Auditing Regulations	2060-AB54
2958	SAR No. 2145. Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AC34
		2060-AB58

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2959	SAR No. 2430. NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants	2060-AC23
2960	SAR No. 1685. NESHAPS: Benzene in Coke Oven By-Product Plants	2060-AA42
2961	SAR No. 2372. Stratospheric Ozone Protection Strategy	2060-AC09

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Clean Air Act (CAA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2962	SAR No. 2215. Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2963	SAR No. 2336. Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances	2050-AB62
2964	SAR No. 2429. Reportable Quantities (RQs) for Substances on the Extremely Hazardous Substances List	2050-AC14
2965	SAR No. 2538. Procedures for Planning and Implementing Off-Site Response Actions	2050-AC35
2966	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	2050-AA75
2967	SAR No. 2566. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
2968	SAR No. 5432. National Priorities List for Uncontrolled Hazardous Waste Sites - Federal Facility Sites	2050-AC57
2969	SAR No. 2564. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
2970	SAR No. 2498. Administrative Hearing Procedure for Superfund Claims	2050-AC26
2971	SAR No. 2427. Worker Protection Standards for Hazardous Waste Operations and Emergency Response	2050-AC12
2972	SAR No. 2644 Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements-- Threshold Amendment	2050-AC34
2973	SAR No. 2511. Administrative Hearing Procedures for Class I Civil Penalties under CERCLA and the Emergency Planning Community Right to Know Act	2050-AC37
2974	SAR No. 2615 Prior Notice of Citizen Suits Under CERCLA and the Emergency Planning and Community Right-to-know Act	2050-AC70

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2975	SAR No. 2411. Reporting Continuous Releases of Hazardous Substances	2050-AA46
2976	SAR No. 2104. Reportable Quantities for Releases of Potential Carcinogens and Other Hazardous Substances	2050-AA80
2977	SAR No. 2335. Reportable Quantities (RQs) for Releases of Radionuclides	2050-AB60
2978	SAR No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances	2050-AB82
2979	SAR No. 5358. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7	2050-AC16
2980	SAR No. 5433. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 5	2050-AC45
2981	SAR No. 5434. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 6	2050-AC47
2982	SAR No. 5357. National Priorities List for Uncontrolled Hazardous Waste Sites - RCRA Sites	2050-AC48
2983	SAR No. 2455. Arbitration Procedures for Small Superfund Cost Recovery Claims	2050-AC36
2984	SAR No. 2495. Citizen Awards for Information on Criminal Violations under Superfund	2050-AC38
2985	SAR No. 2401. Technical Assistance Grants to Groups at National Priority List (NPL) Sites	2050-AC10
2986	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
2987	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
2988	SAR NO. 2512 Administrative Hearing Procedures for Class II Penalties under CERCLA and Emergency Planning and Community Right to Know Act	2050-AC39

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2989	SAR No. 2459. Reportable Quantities for Releases of Lead Methyl Isocyanate (MIC); Delisting of Ammonium Thiosulfate	2050-AC21
2990	SAR NO. 2419 Trade Secret Claims for Emergency Planning and Community Right-to-Know Information; Trade Secret Disclosures to Health Professionals	2050-AC27

EPA

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2991	SAR No. 2551. Environmental Protection Agency Acquisition Regulation (EPAAR); Submission of General Financial and Organizational Information, and Purchasing System Information by Offerors	2030-AA06
2992	SAR No. 2553. Contracting for Expert Services under the Superfund Amendment and Reauthorization Act (SARA) of 1986	2030-AA07
2993	SAR No. 5452 Evaluation Procedure for Award of Fixed Price Contracts for Commercial Supplies and Services	2030-AA09
2994	SAR No. 5451 Contractor Compliance with Information Resources Management Directives	2030-AA10
2995	SAR No. 5450 Miscellaneous Delegations from the Contracting Authority	2030-AA11
2996	SAR No. 5449 Implementation of Federal Acquisition Regulation Coverage on Ratification of Unauthorized Commitments	2030-AA12
2997	SAR No. 5445 Implementation of Federal Acquisition Regulation Coverage on Prompt Payment	2030-AA13
2998	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
2999	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3000	SAR No. 2552. Amending EPA Acquisition Regulation Rules Regarding Disclosure and Use of Information in Proposals	2030-AA08
3001	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA (Revision)	2090-AA09
3002	SAR No. 2476. Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2010-AA11
3003	SAR No. 2307. Notice Requirements for Citizen Suits under the SDWA	2020-AA10

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3004	SAR No. 2410. Program Fraud Civil Remedies	2020-AA11
3005	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2725. FOOD ADDITIVE REGULATIONS CONCERNING PESTICIDE RESIDUES: PROCEDURAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346a/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: This regulation will set forth procedures for which food additive tolerances, required by section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be established, modified or revoked. It may include revisions to FIFRA section 3 and FFDCA section 408 regulations to make them consistent with the new regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2444. FTS:8-557-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB78

2726. RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136d /FIFRA 6; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 152.17

Legal Deadline: None

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of the potential to leach into groundwater. The Agency will propose criteria for classifying such pesticides for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2351.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-3942

RIN: 2070–AB60

2727. REGISTRATION DATA REQUIREMENTS FOR PESTICIDE PRODUCT PERFORMANCE AND COMPANION PESTICIDE ASSESSMENT GUIDELINES (REVISION)

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 158.640

Legal Deadline: None

Abstract: The objective in revising the regulations is to make explicit the Agency's requirement of pesticide producers to submit quantitative data on the yield/quality enhancing performance of their pesticides as compared to alternative pesticides. These data will improve the quality and timeliness of benefit analyses the Agency uses in making risk/benefit decisions to regulate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The companion revised guidelines will provide protocols and methodologies for conducting the studies necessary to produce acceptable comparative performance data. Registrants might experience very minor cost increases to register pesticide products. The benefit would be substantial in the form of better and more uniform data on pesticide product performance, for use by Agency analysts and others.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2567.

FTS:8-557-3691

Agency Contact: Bernard A. Schneider, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-768C), Washington, DC 20460, 703 557-3691

RIN: 2070–AB82

2728. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 7 USC 136b /FIFRA 4; 7 USC 136j /FIFRA 12; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 162

Legal Deadline: None

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2337.

FTS: 8-475-9582

Agency Contact: Robert Bielarski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, D.C. 20460, 202 475-9582

RIN: 2070–AB48

2729. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 7 USC 136a /FIFRA 4; 7 USC 136b /FIFRA 4; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements may need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information: SAR No. 2446.

FTS:382-9580

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 382-9580

RIN: 2070–AB75

2730. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171.12

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2406.

FTS:8-475-9580

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

EPA—FIFRA

Proposed Rule Stage

788), Washington, DC 20460, 202 475-9580

RIN: 2070–AB76

2731. AMENDMENTS TO EXPERIMENTAL USE PERMITS RULES FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 4

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: This proposed revision will amend the existing regulations (40 CFR 172) pertaining to Experimental Use Permits (EUPs) to incorporate the policies set forth by the Office of Science and Technology Policy, which were published in the Federal Register on June 26, 1986 (51 FR 23313). The existing regulations presumes prospective registrants are exempt from the requirement of obtain obtaining an EUP if they propose to conduct tests which will involve less than 10 acres of land and less than one surface acre of water. The proposed revision would require prior notification if tests are to involve genetically altered or certain nonindigenous microbial pesticides. The proposed rule will also describe data required to be submitted at the time of notification so that the Agency may determine whether an EUP will be required.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2445. FTS:8-557-8196

Agency Contact: Henry Jacoby, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-8196

RIN: 2070–AB77

2732. ● GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

Legal Authority: 7 USC 136q/FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: None

Abstract: EPA's Office of Pesticide Programs is updating the Guidelines on Disposal and Storage of Pesticides to make them consistent with current regulations and technology. The Office of Pesticide Programs is also adding interpretive guidance on compliance with RCRA regulations on hazardous waste as they may apply to the disposal and storage of pesticides.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No.2659 FTS:8-557-7347

Agency Contact: Raymond F. Krueger, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7347

RIN: 2070–AB95

2733. ● CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157; 16 CFR 1700.15; 16 CFR 1700.20

Legal Deadline: None
CPSC projects 9/88 as a publish date for their regulations. EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with 6 CRP protocol testing revisions the CPSC is proposing for its CRP regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAR No. 2639 FTS: 8-857-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB96

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

2734. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136d /FIFRA 6; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2289. FTS: 8-557-0944.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0944

RIN: 2070–AB46

EPA—FIFRA

Final Rule Stage

2735. FIFRA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136w /FIFRA 25; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 40 CFR 160

Legal Deadline: None

Abstract: This action will expand the scope of the FIFRA Good Laboratory Practices (GLPs) to include 1) additional types of testing not covered by the current 40 CFR 160 and certain changes from the recent FDA GLP regulation amendments. Specifically, environmental fate, certain other chemistry tests, ecological effects and efficacy (as required by 40 CFR 158.160) are among the types of tests to be added.

Timetable:

Action	Date	FR Cite
NPRM	12/28/87	52 FR 48920
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1703.

FTS:8-382-7825

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070–AB68

2736. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is revising it to clarify the types of information which registrants must report to EPA.

Timetable:

Enforcement Policy
Final Action 07/12/79 (44 FR 40716)
Interpretive Rule
Final Action 08/23/78 (43 FR 37611)
Rule and Policy Statement
Final Action 09/20/85 (50 FR 38115)
Final Action 10/00/88

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2338.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070–AB50

2737. ADVERTISING OF UNREGISTERED PESTICIDES, UNREGISTERED USES OF REGISTERED PESTICIDES AND FIFRA 24(C) REGISTRATIONS

Legal Authority: 7 USC 136j /FIFRA 12; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 153.12; 40 CFR 166.7

Legal Deadline: None

Abstract: EPA is proposing to treat as unlawful under FIFRA section 12 or restrict the advertising of certain uses of pesticides authorized for experimental use, emergency use, and special local needs. The proposed policy will also address advertising of other unregistered pesticides and pesticide use patterns. This policy is intended to prevent misuse of pesticides which could cause unreasonable adverse effects on humans or the environment.

Timetable:

Interpretive Rulemaking
Final Action 10/00/88
Policy Statement
NPRM 07/03/86 (51 FR 24393)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2314.

FTS: 8-557-9089

Agency Contact: Franklin Gee, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-9089

RIN: 2070–AB47

2738. POLICY ON ADVERTISING CLAIMS MADE FOR REGISTERED PRODUCTS

Legal Authority: 7 USC 136j /FIFRA 12

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: This rule interprets FIFRA section 12(a)(1)(B) which provides for the regulation of claims made when advertising registered pesticide products. The rule will establish standards for acceptable advertising claims with respect to claims made about the safety of the product.

Timetable:

Action	Date	FR Cite
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2554.

FTS:8-557-7749

Agency Contact: Vivian Prunier, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), 703 557-7749

RIN: 2070–AB88

2739. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136d /FIFRA 6; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The Worker Protection Standards for Agricultural Pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

EPA—FIFRA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	07/08/88	53 FR 25970
Final Action	03/00/89	

Small Entities Affected: Organizations

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, DC 20460, 703 557-7666

RIN: 2070–AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Completed Actions

2740. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION AND CLASSIFICATION PROCEDURES (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 162

Completed:

Reason	Date	FR Cite
Final Action	05/04/88	53 FR 15952

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Frane 703 557-0944

RIN: 2070–AA56

2741. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN TERMITICIDES

CFR Citation: 40 CFR 162.31

Completed:

Reason	Date	FR Cite
Withdrawn	08/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Roelofs 703 557-0064

RIN: 2070–AB53

2742. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS (REVISION)

CFR Citation: 40 CFR 167

Completed:

Reason	Date	FR Cite
Final Action	09/08/88	53 FR 35056

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David Hannemann 202 382-7825

RIN: 2070–AA04

2743. USER CHARGES FOR PESTICIDE REGISTRATIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 172

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19108

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Wetzel 703 557-1128

RIN: 2070–AB52

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA) — Proposed Rule Stage

2744. TOXIC CHEMICAL "PEAK RELEASE" REPORTING RULE (REVISION)

Legal Authority: 42 USC 11013 /SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add a "peak release" reporting element to the Toxic Chemical Release Inventory Reporting Form. Reporting of releases is of annual aggregate releases to all environmental media. The proposal addresses this issue of obtaining a more specific indication of this frequency and/or duration of releases in order to better assess risks to health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: SAR No. 2555.

FTS:8-382-3667

Agency Contact: Michael Shapiro, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AB86

2745. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: Other, Statutory. 12-month statutory deadline for ITC-designated chemicals

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-

designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

Acid Blue 40 (ITC List 21) (SAR 5385)
NPRM 04/00/89
Acid Blue 45 (ITC list 21) (SAR 5386)
NPRM 04/00/89
Acrylates (SAR 5368)
NPRM 12/00/89
Anthroquinone Dyes (SAR 5367)
NPRM 12/00/89
Aryl Phosphates (ITC List 2) (SAR 5369)
NPRM 12/00/89
Aryl Phosphates (ITC List 2)(SAR 5369)
ANPRM 12/29/83 (48 FR 57452)
C.I. Disperse Blue 79 (ITC List 19)(SAR 5370)
NPRM 12/00/89
Commercial Hexane (ITC List 16) (SAR 5389)
NPRM 12/00/88
Crotonaldehyde (ITC List 22) (SAR 5454)
NPRM 12/00/89
Diisodecyl Phenyl Phosphate (ITC List 17) (SAR 5371)
NPRM 10/00/88
Disperse Blue 56 (ITC List 21) (SAR 5387)
NPRM 04/00/89
Disperse Red 60 (ITC List 21) (SAR 5388)
NPRM 04/00/89
Ethoxylated Quaternary Ammonium Compounds (SAR 5456)
NPRM 12/00/89
Ethylbenzene (ITC List 20) (SAR 5373)
NPRM 00/00/00
Glycidols (ITC List 3) (SAR 5375)
ANPRM 12/30/83 (48 FR 57562)
NPRM 10/00/89
Hexamethylene Diioscyanate (ITC List 22)(SAR 5453)
NPRM 12/00/88
Imidazolium Ouaternary Ammonium Compounds (SAR 5455)
NPRM 12/00/89
Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Methyl Ethyl Ketoxime (ITC List 19) (SAR 5377)
NPRM 10/00/88
Methylolurea (ITC List 12)
NPRM 12/00/89
Methylolurea (ITC List 12) (SAR 5379)
ANPRM 05/21/84 (49 FR 21371)
Nonylphenol (SAR 5380)
NPRM 09/00/89
Oleyamine (Pharmocokinetics)(ITC List 13) (SAR 5381)
NPRM 10/00/88
1,1,1-Trichloruethane (muta/neuro) (ITC List 2) (SAR 5384)
NPRM 01/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS: 8-475-8130.

The following rules were deleted from the NPRM list of Test Rules: Environmental Monitoring Test Rule (SAR 5372); Ethylene Glycol Ethers Category (SAR 5374); Phenylenediamines (SAR 5382) (completed NPRM 1/14/88); Tributyl Phosphate (SAR 5383).

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB07

2746. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: The regulation will set forth the policies and procedures to be used in using the TSCA Section 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2563.

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB84

2747. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Ethylenediaminetetra (Methylenephosphonic Acid) and its Salts
NPRM 11/00/88
Pentabromoethylbenzene
NPRM 12/00/88
Trichlorobutylene Oxide
Final Action 10/27/87 (52 FR 41296)
1-Chloro-2-bromoethane
NPRM 09/04/87 (52 FR 33606)
Final Action 02/02/88 (53 FR 2842)
4-Chloro-2-methylbenzenamine
NPRM 10/00/88
4-Chloro-2-methylbenzenamine hydrochloride
NPRM 10/00/88
4-Chloro-6-methylbenzenamine
NPRM 10/00/88

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1923.

FTS: 8-382-3540.

Agency Contact: Barbara Ostrow, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3540

RIN: 2070–AA58

2748. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Diphenyl-2,4,6-Trimethylbenzol Phosphine Oxide (87-586)
NPRM 01/00/89
Final Action 00/00/00

1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)
NPRM 12/08/87 (52 FR 46496)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AA59

2749. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, import, processing, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture, import, or process the substance without controls. Therefore, EPA by rule, designates manufacture, import, or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Timetable:

(84-274) (see additional information for title) (SAR 5407)
NPRM 08/26/85 (50 FR 34505)
Final Action 06/00/89

(85-1176) (see additional information for title) (SAR 5404)
NPRM 06/00/89

(85-544) (see additional information for title) (SAR 5408)
NPRM 06/00/89

(85-564) (see additional information for title) (SAR 5405)
NPRM 06/00/89

(85-703) (see additional information for title) (SAR 5406)
NPRM 06/23/86 (51 FR 22831)
Final Action 06/00/89

Alkyl Aryl Phosphine (83-1023) (SAR 5413)
NPRM 09/20/84 (49 FR 36880)
Final Action 06/00/89

Alkyl Glycoether Acrylic Acid Derivative (84-27) (SAR 5414)
NPRM 12/24/84 (49 FR 49868)
Final Action 06/00/89

Brominated Aryl Alkyl Ether, Ethylated Amino (SAR 5415)
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
Final Action 06/00/89

Certain Acrylate and Methacrylate Chemicals (SAR 5416)
NPRM 03/27/85 (50 FR 12046)
Final Action 06/00/89

Certain Acrylate Chemicals (84-341-344) (SAR 5417)
NPRM 04/04/86 (51 FR 11591)
Final Action 06/00/89

Methylammonium n-Methyldithiocarbamate (84-1042) (SAR 5418)
NPRM 03/24/86 (51 FR 10027)
Final Action 06/00/89

N,N,N'N'-Tetrakis (oxiranylmethyl) (SAR 5420)
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 06/00/89

Polyol Polyacrylate (85-718) (SAR 5419)
NPRM 06/00/89

Substituted Benzene, Halogenated (85-612) (SAR 5421)
NPRM 06/00/89

Substituted Benzene, Halogenated (84-660 and 84-704) (SAR 5422)
NPRM 03/18/86 (51 FR 9221)
Final Action 06/00/89

Substituted Bromothiophene (83-769) (SAR 5423)
NPRM 09/28/84 (49 FR 38310)
Final Action 06/00/89

Substituted Methylpyridine (83-237)(SAR 5424)
NPRM 02/06/84 (49 FR 4390)
Final Action 06/00/89

Substituted Polyester Resin (85-395)(SAR 5425)
NPRM 00/00/00

Substituted Tetrafluoro Alkanes (84-105/106/107) (SAR 5426)
NPRM 03/21/85 (50 FR 11384)
Final Action 06/00/89

2-Butenedioic Acid(z), (85-543) (SAR 5427)
NPRM 00/00/00

2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl (SAR 5428)
NPRM 00/00/00

2-Propenoic Acid, (85-546) (SAR 5429)
NPRM 00/00/00

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester (SAR 5430)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS:8-382-3771.

(85-1176) Alcohols, C1-4, ethers with Polyethylent-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene; 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroelectric melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-274) Poly(oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-((1-oxo-2-propenyl)-oxy)

(85-544) 2-Propenoic Acid, 2-Methyl-7,7,9-Trimethyl-4,13-dioxo- 3,14-Dioxo-t,12-Diazahexadecane,1,16-Diyl Ester

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070–AB27

2750. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of a significant new use. The significant new use rule will apply to a subset of

acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2247.

FTS: 8-382-3771

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AB56

2751. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the agency is proposing two separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit notices prior to testing new microorganisms in the environment. This amendment will require reporting for new microorganisms and will establish a special notification mechanism for experimental releases of microorganisms. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would ensure that EPA will receive for review, notices of large scale releases of other microorganisms developed for significant new uses, and will review small-scale environmental releases, possibly with assistance from environmental biosafety committees (EBCs), peer review committees to be sponsored by researchers and accredited by EPA. In addition, the Agency may be proposing (SEE ABSTRACT CONTINUED UNDER THE ADDITIONAL INFORMATION SECTION)

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: ABSTRACT CONT: section 8(a) reporting requirements for persons who are using microorganisms in the environment. The primary objective of these actions is to ensure uses of microorganisms in the environment do not affect human health and the environment in unforeseen and possible harmful ways.

SAR No. 2325 (SNUR for Certain Biotech Products); 2326 (PMN for Certain Biotech Products); 2327 (8(a) for Certain Biotech Products)

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB61

2752. PROPOSAL TO EXEMPT CERTAIN MICROORGANISMS FROM PMN REQUIREMENTS UNDER TSCA 5(H)(4)

Significance: Regulatory Program

Legal Authority: 15 USC 1504/TSCA 5

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the Agency will propose to exempt from review new microorganisms used in certain closed and contained systems. The Agency considers it a priority to exempt from consideration organisms that can be shown to meet the statutory requirements under section 5(h)(4) of TSCA. To meet those requirements, it must be shown that the substances will not present unreasonable risks. EPA is considering public comment received and other evidence concerning use of microorganisms in closed systems and other controlled environments to determine whether those categories satisfy the requirements of section 5(h)(4) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAR No. 2561.

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB89

2753. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes: 2) similarly exposed residents of conventional homes: 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. Because OSHA proposed a standard in December 1985 that applies to all occupational exposure, EPA has terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/ or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2146.

FTS: 8-382-2134.

Agency Contact: George Semenivk, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-2134

RIN: 2070–AB14

2754. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration, and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some cases, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with the solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113) and their potential substitutes. This regulatory investigation is focused on three major use categories: metal cleaning, paint stripping, and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to eliminate or reduce exposure to these solvents.

Timetable:

Action	Date	FR Cite
ANPRM (Metal Cleaning)	10/17/85	50 FR 42037
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: Larry Dorsey, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3777

RIN: 2070–AB41

2755. PCB SPILL CLEANUP RECORDKEEPING RULE

Legal Authority: 15 USC 2605(e)(3)(B) / TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: This regulation will require parties responsible for PCB spill clean up to maintain records of the cleanup. The information required to be included in the records will likely be the same as that required in the PCB spills cleanup policy. The recordkeeping requirements will facilitate verification of PCB spill cleanup.

Timetable:

Action	Date	FR Cite
Policy Statement	04/02/87	52 FR 10688
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2297.

FTS: 382-3866.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB45

2756. PROCEDURES AND CRITERIA FOR TERMINATION OF POLYCHLORINATED BIPHENYL DISPOSAL PERMITS

Legal Authority: 15 USC 2605/TSCA 6; 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of TSCA, the Agency is considering establishing uniform procedures and criteria for the revocation of TSCA disposal permits. The regulation would establish uniform revocation procedures and criteria and thereby ensure consistency in permit revocation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2560.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB81

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Final Rule Stage

2757. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology) and adds consent orders as a means of obtaining test data required under Section 4 of TSCA. In addition, this rule will simplify the procedures governing the development and implementation of testing requirements under 2-phase rulemaking, and amend the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	01/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB30

2758. TSCA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 792

Legal Deadline: None

Abstract: This action would expand the scope of the existing rule to include: 1) additional types of testing not covered by the current 40 CFR 792, 2) TSCA section 4 consent agreements, 3) certain changes in the FDA GLP regulation amendment.

Timetable:

Action	Date	FR Cite
NPRM	12/28/87	52 FR 48933
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1886.

FTS:8-382-7825

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070–AB65

2759. DECISION ON TEST RULES: FINAL RULES

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under TSCA section 4. The Agency defines final action as promulgation of a test rule or withdrawal of a proposed test rule. (See also Decisions on Test Rules: Proposed Rules under RIN: 2070-AB07.)

Timetable:

Alkyl Phthalates (Enviro)(ITC List 1)(SAR 5365)
Final Action 09/00/88
Anilines (ITC List 4) (SAR 5366)
ANPRM 01/02/84 (49 FR 108)
Final Action 09/00/88
Cumene (ITC List 15) (SAR 5390)
NPRM 05/15/87 (52 FR 7854)
Final Action 07/27/88 (53 FR 28195)
Cyclohexane (ITC List 18) (SAR 5391)
NPRM 05/20/87 (52 FR 19096)
Cyclohexane(ITC List 18) (SAR 5391)
Final Action 06/00/89
Diethylene glycol butyl ether acrylate (ITC List 13) (SAR 5392)
ANPRM 11/19/84 (49 FR 45606)
NPRM 04/04/86 (51 FR 27880)
Final Action 02/26/88 (53 FR 5932)
Hexafluoropropylene Oxide (ItC List 2) (SAR 5395)
Final Action 04/00/89
Hexafluoropropylene Oxide (ITC List 2) (SAR 5395)
NPRM 12/30/83 (48 FR 57686)
Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Final Action 00/00/00
Mercaptobenzoethiazole (ITC List 15) (SAR 5396)
NPRM 11/06/87 (52 FR 53160)
Final Action 10/00/88
Methyltert-butyl ether (ITC List 19)(SAR 5378)
Final Action 03/31/88 (53 FR 10391)
Octamethylcyclotetrasiloxane (ITC List 15) (SAR 5398)
NPRM 10/30/85 (50 FR 45123)
Final Action 09/00/88
Oleylamine (Test Standards) (ITC List 13) (SAR 5399)
NPRM 08/24/87 (52 FR 31962)
Final Action 12/00/88
OSW Generic Test Rule (SAR 5400)
NPRM 05/29/87 (52 FR 20336)
Final Action 06/15/88 (53 FR 22300)
Pentabromoethylebenzene (ITC List 15) (SAR 5401)
NPRM 11/13/85 (50 FR 46785)
Final Action 04/00/89
Phenylenediamines (ITC List 6) (SAR 5382)
NPRM 01/06/86 (51 FR 472)
NPRM 01/14/88 (53 FR 913)
Final Action 12/00/89
Tributyl Phosphate (ITC List 19) (SAR 5383)
Final Action 12/00/89
Triethylene glycol monomethyl, monoethyl (SAR 5402)
NPRM 05/15/86 (51 FR 17883)
Final Action 00/00/00
Vinylidene Chloride (SAR 5403)
NPRM 08/12/86 (51 FR 28840)
Final Action 00/00/00
2,6 Di-tert-butylphenol (ITC List 18)(SAR 5394)
NPRM 06/25/87 (52 FR 23862)
Final Action 04/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB94

2760. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: This rulemaking would establish criteria and procedures by which certain chemicals could be administratively added to or withdrawn

from a list of chemicals subject to section 5(a)(2) of TSCA. This would reduce the time and resources required to regulate individual chemicals under the new chemical follow-up program. This rulemaking would also establish reporting requirements under sections 8(a) and 8(d) for manufacturers and processors of certain chemicals that meet the criteria mentioned above.

Timetable:

Action	Date	FR Cite
NPRM	04/29/87	52 FR 15594
Final Action	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2375.

FTS:8-382-3771

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, **202 382-3771**

RIN: 2070–AB67

2761. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32326
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2150.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB20

2762. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA has proposed a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out all or most asbestos mining and importation over 10 years.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	01/29/86	51 FR 3738
Final Action	01/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2296.

FTS: 382-3862.

Agency Contact: John Rigby, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3862**

RIN: 2070–AB29

2763. PCB NOTIFICATION AND MANIFESTING RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under the authority of TSCA, EPA is considering rulemaking which would require that all PCB wastes be manifested for disposal. The purposes of the regulation would be 1) to obtain information about handlers and storers of PCB wastes; and 2) to track shipment of wastes containing PCBs. The rulemaking will also consider imposing new requirements on commercial storers of PCB wastes.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37436
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2550.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB83

2764. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section 4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

EPA—TSCA

Final Rule Stage

Timetable:

OAQPS/OTS Chemicals PAIR
NPRM 05/14/87 (52 FR 18250)
Final Action 03/31/88 (53 FR 10387)
Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 00/00/00
22nd ITC List Chemicals
Final Action 05/20/88 (53 FR 18196)
23rd ITC List Chemicals
Final Action 11/00/88

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2178.

FTS: 8-382-3938.

Agency Contact: Barbara Ostrow, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, **202 382-3938**

RIN: 2070–AB08

2765. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

Timetable:

Health and Safety Data Reporting Period Terminations
Final Action 10/00/88
Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 00/00/00
22nd ITC List Chemicals
Final Action 05/20/88 (53 FR 18196)
23rd ITC List Chemicals
Final Action 11/00/88

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1139.

FTS: 8-382-3938.

Agency Contact: Barbara Ostrow, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3938**

RIN: 2070–AB11

2766. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35762
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2129.

FTS: 8-382-3938.

Agency Contact: Barbara Ostrow, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3938**

RIN: 2070–AB13

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Completed Actions

2767. ASBESTOS-CONTAINING MATERIALS IN SCHOOLS; TRANSPORT AND DISPOSAL RULE (REVISION)

CFR Citation: 40 CFR 763

Completed:

Reason	Date	FR Cite
Withdrawn Rule will be included in upcoming Asbestos NESHAP.	08/25/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen Schanamann **202 382-3949**

RIN: 2070–AB87

2768. GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

CFR Citation: 40 CFR 721

Completed:

Reason	Date	FR Cite
Final Action	07/27/88	53 FR 28354

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bowser/Andrew Cherry **202 382-3771**

RIN: 2070–AB26

2769. RECODIFICATION OF TSCA CFR SECTION 721

CFR Citation: 40 CFR 721

Completed:

Reason	Date	FR Cite
Final Action	02/02/88	53 FR 2845

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bowser **202 382-3771**

RIN: 2070–AB85

2770. NITROSAMINES IN METALWORKING FLUIDS

Significance: Regulatory Program

CFR Citation: 40 CFR 747

EPA—TSCA

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn Project transferred to OSHA's Hazard Communication Program.	08/25/88	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Agency Contact: Joseph DeSantis 202 382-3945

RIN: 2070–AB09

2771. POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

CFR Citation: 40 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	06/27/88	53 FR 24206

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Halper 202 382-3866

RIN: 2070–AB25

2772. PCBS IN ELECTRICAL TRANSFORMERS (REVISION)

CFR Citation: 40 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	52 FR 27322

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Halper 202 382-3866

RIN: 2070–AB74

2773. USER FEES FOR PROCESSING PMNS

Significance: Regulatory Program

CFR Citation: 40 CFR 700

Completed:

Reason	Date	FR Cite
Final Action	08/17/88	53 FR 31248

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph A. DeSantis 202 382-3945

RIN: 2070–AB54

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Proposed Rule Stage

2774. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: None

Abstract: The Agency will promulgate BAT, BCT and NSPS regulations for drilling fluids and drill cuttings waste streams from offshore oil and gas extraction facilities to limit discharges of pollutants from the offshore segment of the oil and gas extraction point source category.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
NOTICE	11/13/85	50 FR 46784
NOTICE	12/31/85	50 FR 53348
NOTICE	10/00/88	
Final Action	03/00/90	
BCT Reproposal		
NOTICE 12/00/88		

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1649.

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7131

RIN: 2040–AA12

2775. EFFLUENT GUIDELINES FOR PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: The Agency has not decided to issue NSPS regulations to control the discharge of conventional pollutants from new source direct dischargers in the pharmaceuticals industry. The Agency will finalize BAT and NSPS regulations to control the discharge of the nonconventional pollutant, COD, but no decision has been made when to begin regulation procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
NOTICE	11/01/83	48 FR 50322
NOTICE	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
NOTICE	04/26/84	49 FR 17978
NOTICE New Data	07/02/84	49 FR 27145
NOTICE	01/31/85	50 FR 4513
NOTICE	05/01/85	50 FR 18486
NOTICE New Data	09/09/85	50 FR 36638
NPRM	00/00/00	
(BCT)		
Final Action 12/16/86 (51 FR 45094)		

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency,

Water, (WH-552), Washington, DC 20460, **202 382-7182**

RIN: 2040–AA13

2776. EFFLUENT GUIDELINES FOR NONFERROUS METALS MANUFACTURING (PHASE II) (REVISIONS)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: The Agency will propose and promulgate amendments to the regulation previously promulgated on September 20, 1985 (50 FR 38276). These amendments are in response to settlements with six petitioners and will affect six subcategories, primary beryllium subcategory, primary molybdenum and rhenium subcategory, second molybdenum and vanadium subcategory, secondary precious metals subcategory and secondary tungsten and cobalt subcategory. The amendments will revise BPT, BAT, NSPS, and standards for pretreatment to limit the discharge of pollutants from these subcategories.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2583.

FTS:8-382-7126

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AB31

2777. EFFLUENT GUIDELINES FOR PESTICIDES CHEMICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: NPRM, Statutory, December 1989. Final, Statutory, September 1991.

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing BAT, NSPS, PSES, PSNS for the pesticide industry under the Clean Water Act. On July 25, 1986 the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals in response to a joint motion filed by the Agency and other parties to litigation challenging the regulation. EPA removed the BAT, NSPS, PSNS, and PSES pesticide regulation from the Code of Federal Regulations at the direction of the Court, and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The Agency intends to establish new effluent limitation guidelines and standards for the pesticide manufacturers and formulators/packagers industry in a future rulemaking. The BCT limitations published on April 25, 1978 and September 29, 1978, are still effective.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2473.

FTS:8-382-7156

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7156**

RIN: 2040–AB32

2778. ● EFFLUENT GUIDELINES FOR PULP, PAPER AND PAPERBOARD

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None

Abstract: The Agency will review existing BAT, PSES, PSNS, and NSPS regulations to ensure control of discharges of toxic, conventional and nonconventional pollutants from existing and new source dischargers in the pulp, paper, and paperboard industry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1410

FTS:8-382-7184

Agency Contact: Wendy Smith, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7184**

RIN: 2040–AB53

2779. NPDES, PERMITS FOR DREDGED OR FILL MATERIAL, AND WATER QUALITY STANDARDS -- REVISION FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 518; 33 USC 1313; 33 USC 1342; 33 USC 1344; 33 USC 1378

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 131; 40 CFR 230; 40 CFR 231; 40 CFR 232; 40 CFR 233

Legal Deadline: Final, Statutory, August 3, 1988.

Abstract: These rules will establish standards and procedures for treatment of Indian Tribes as States for section 303, 402, and 404. The revised water quality standards regulation will also incorporate a mechanism to resolve unreasonable consequences if Indian tribes and States adopt differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	12/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2475.

FTS:8-475-7315

Agency Contact: Kent Ballentine, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 475-7315**

RIN: 2040–AB36

2780. NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1251 /CWA 303

CFR Citation: 40 CFR 122; 40 CFR 123

Legal Deadline: None

Abstract: This action will revise the NPDES Regulations pursuant to requirements contained in the 1987 Water Quality Act. In addition, several other changes will be made to clarify existing requirements and policies. These revisions will not encompass requirements mandated by Section 406 (sewage sludge) of the 1987 Water Quality Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2493.

FTS:8-475-9524

Agency Contact: Dave Greenburg, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9524

RIN: 2040–AB38

2781. INTERPRETATION OF PROVISIONS OF SECTION 304(1) OF THE CWA

Legal Authority: 33 USC 1251 /CWA 304(1)

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 130

Legal Deadline: None

Abstract: This proposed rule will provide the Agency's regulatory interpretation of four provisions of section 304(1) of the Clean Water Act. It will clarify the nature of an individual control strategy under section 304(1) and the use of existing data by States to develop initial lists of waters. Further, it will describe the EPA approval/disapproval process for lists submitted in fulfillment of the requirements of section 304(1). Finally, it will establish the initial submission of lists and individual control strategies by the statutory deadline of February 4, 1989, as a first phase of an ongoing identification and permitting process called for under the water quality provisions of the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2525.

FTS:8-475-7718

Agency Contact: Paul Connor, Environmental Protection Agency, Water, EN-336, Washington, DC 20460, 202 475-7718

RIN: 2040–AB46

2782. PROCEDURAL RULES FOR CLASS I ADMINISTRATIVE PENALTY PROCEEDINGS UNDER THE CWA

Legal Authority: 33 USC 1363 /CWA 309(g)

CFR Citation: 40 CFR 126

Legal Deadline: None

Abstract: This rulemaking will convert EPA's Class I CWA administrative penalty procedures from the status of guidance to a final rule. Procedures for the assessment of Class I administrative penalties (maximum penalty of $25,000 with less than APA procedures) were issued as guidance in August 1987. The Agency will propose that guidance in identical form for public comment after internal review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Guidance		
Final Action 08/17/87 (52 FR 30730)		

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2580.

FTS:8-475-8187

Agency Contact: Elyse M. DiBiagio-Wood, Environmental Protection Agency, Water, LE-134W, Washington, DC 20460, 202 475-8187

RIN: 2040–AB49

2783. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2587.

FTS:8-475-7134

Agency Contact: Barry Burgan, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7134

RIN: 2040–AB29

2784. ● ESTUARY PROGRAM GRANT REGULATION

Legal Authority: 33 USC 1330 /CWA 320(g)

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: This action modifies 40 CFR Part 35 to add specific requirements for grants under the National Estuary Program. These modifications specify the conditions that a grant applicant

must meet to receive grant funding under the Program. Current regulations do not include specific restrictions for funds granted under the National Estuary Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2617

FTS:8-475-7378

Agency Contact: Thomas M. Armitage, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, 202 475-7378

RIN: 2040–AB54

2785. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: Final, Statutory, February 4, 1989.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges will reflect the 1987 amendments to the Clean Water Act and will address the deadline for application submission as a result of the recently-rescinded September 1984 stormwater regulations.

Timetable:

Deadline Extension
Final Action 02/12/88 (53 FR 4157)
Final Application Requirements
Final Action 00/00/00
Reproposed Application Requirements
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2200.

FTS: 8-475-9537.

Agency Contact: Kevin Weiss, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9537

RIN: 2040–AA79

2786. FUTURE EFFLUENT GUIDELINES -- STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402, 301, 304, 306, 307, 501

CFR Citation: 40 CFR 400

Legal Deadline: None

Abstract: EPA will review existing effluent guidelines and promulgate new effluent guidelines to implement section 304(m) of the CWA, as amended by the 1987 Water Quality Act (Public Law 100-4). Existing industrial categories or subcategories for which BAT effluent limitations and guidelines and NSPS have already been promulgated that EPA is currently reviewing as potential candidates for revised guidelines include: Copper Forming (40 CFR 468); Timber Products Processing (40 CFR 429); Textile Manufacturing (40 CFR 410); Pharmaceuticals Manufacturing (40 CFR 414, 416) (reserved priority pollutants and nonconventional pollutants). EPA will as needed, revise the list of candidates. Moreover, if and when EPA decides to initiate rulemaking for any of the candidates, it will identify the industrial point source in subsequent Federal Register notices pursuant to section 304m. Industrial point source categories and subcategories discharging toxic and nonconventional pollutants for which BAT effluent guidelines and NSPS have not been promulgated are also under review by EPA, pursuant to section 304(m)(a)(B), as potential candidates for BAT effluent guidelines and NSPS. Most of these

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

ABSTRACT CONTINUED candidates were selected for review because of the Domestic Sewage Study (Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works, U.S. EPA, Office of Water Regulations and Standards, EPA 530-SW-86-004, February 1986, prepared by EPA pursuant to the mandate of section 3018(a) of RCRA to evaluate the impact of RCRA hazardous wastes discharged to POTWs). The industrial candidates currently being examined are: hazardous waste treaters; solvent recyclers; machinery manufacturing and rebuilding; transportation; paint manufacture and formulation (40 CFR 446); industrial laundries; hospitals (40 CFR 460); waste oil refiners; drum reconditioners; and the onshore and coastal subcategories of oil and gas extraction (40 CFR 435). If the Agency decides that rulemaking is appropriate for these industrial point source candidates, it will publish schedules in the Federal Register.

Agency Contact: Tom O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7120

RIN: 2040–AA90

2787. NPDES PERMIT APPLICATION FORM 2C, STANDARD FORM A, AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342/CWA 402

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action will revise the current NPDES Permit Application Form 2C (industrial), Standard Form A (municipal), and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms will replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

Municipal forms
NPRM 03/00/90

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2501.

FTS:8-475-9517

Agency Contact: William A. Collins, Environmental Protection Agency,

Water, (EN-336), Washington, DC 20460, 202 475-9517

RIN: 2040–AB39

2788. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: NPRM, Statutory, November 30, 1986. Final, Statutory, August 31, 1987.

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act as amended by the Water Quality Act of 1987. These regulations will address: distribution and marketing, application of sludge to lands which are used for food and non-food chain crops, ocean disposal, incineration and landfilling. Inorganic and organic pollutants are currently being evaluated for the various reuse and disposal options.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2162.

FTS:8:382-7142

Agency Contact: William Diamond, Environmental Protection Agency, Water, (WH-551), Washington, DC 20460, 202 382-7142

RIN: 2040–AA74

2789. CITIZEN SUIT NOTICE REGULATION UNDER THE CWA

Legal Authority: 33 USC 1365 /CWA 505

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: This regulation will specify on whom the copies of CWA citizen suit complaints and consent decrees should be served, the manner of service, and the addresses of such persons. This rule will amend existing 40 CFR 135.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2515.

FTS:8-382-2949

Agency Contact: David Drelich, Environmental Protection Agency, Water, LE-134W, Washington, DC 20460, 202 382-2949

RIN: 2040–AB50

2790. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

Legal Deadline: None

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience, and respond to statutory amendments and the results of two lawsuits. Those lawsuits are the City of New York decision (543 F. Supp.1084), which involved the consideration of the need for ocean dumping and availability and impacts of land-based alternatives, and NWF v. Costle decision (629 F. 2d 118), which involved dredged material issues. Among other things, the statutory amendments to be addressed in the Regulatory Revisions include provisions applicable to emergency and research permits, use of sewage sludge sites off the New York/New Jersey coastline, and the ocean disposal of low-level radioactive waste.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2189.

FTS: 8-475-7126

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7180

RIN: 2040–AA78

2791. OCEAN INCINERATION SITE EVALUATION, SOLICITATION, AND DESIGNATION

Legal Authority: 33 USC 1401 /MPRSA

CFR Citation: 40 CFR 228; 40 CFR 234

Legal Deadline: None

Abstract: This action is a finalization of a portion of the ocean incineration regulation, which was proposed on February 28, 1985. This rule provides specific criteria for evaluating candidate sites, selecting specific sites and establishes the procedures for designating and listing sites for use after issuance of and under the terms of an ocean incineration permit. Designation of sites is a prerequisite to issuance of a permit for use of a site. Promulgation of this rule will allow the Agency to begin the lengthy process of site evaluation, selection and designation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2301

FTS:8:475-7180

NOTE: The Agency has indefinitely suspended all activities relating to the development of a regulatory program governing the incineration of liquid wastes at sea.

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 382-7166

RIN: 2040–AB28

2792. EPA ADMINISTERED PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR EXISTING AND NEW SOURCES: PROPOSALS TO IMPLEMENT THE RECOMMENDATIONS OF THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / RCRA 3018; 33 USC 1317 /CWA 307; 33 USC 1342 /CWA 402

EPA—CWA

Proposed Rule Stage

CFR Citation: 40 CFR 403

Legal Deadline: Final, Statutory, August 1987.

Abstract: The Agency plans to prepare proposed changes to the General Pretreatment Regulations that address: specific and general discharge prohibitions; controls on spills and batch dischargers and dischargers by liquid waste haulers; industrial user notification requirements; and local limits. These changes will be responsive to the recommendations of the Domestic Sewage Study submitted to Congress February 8, 1986 and are to improve the control of hazardous wastes discharged through sewers to publicly-owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2342.

FTS 8-475-9534.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9534

RIN: 2040–AA99

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Final Rule Stage

2793. GUIDELINES FOR CLASSIFYING GROUND WATER UNDER THE EPA GROUND WATER PROTECTION STRATEGY

Significance: Regulatory Program

Legal Authority: Clean Water Act

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: In August 1984, EPA issued a Ground water Protection Strategy to provide objectives to guide the Agency's efforts to protect ground water. One of the major goals announced in the strategy was to achieve greater consistency in decisionmaking among the many EPA programs in protecting ground water. The strategy also indicated that EPA would consider the value and vulnerability of ground water in developing protection and cleanup approaches. The classification guidelines implement these goals by providing technical information that will be useful in the evaluation of the vulnerability and value of a particular ground water unit, and by detailing a classification system that can be incorporated as a factor in program decision-making. Both could lead to greater consistency in decisions and assist in the identification of the most valuable and vulnerable ground waters, so that they receive appropriate attention. The agency will finalize the guidelines based on public comments received.

Timetable:

Action	Date	FR Cite
Draft Guidelines	12/03/86	51 FR 43664
Final Guidelines	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2300.

FTS: 8-382-7077.

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Environmental Protection Agency, Office of Ground Water Protection, (WH-550G), 202 382-7077

RIN: 2040–AA85

2794. SECONDARY TREATMENT/PERCENT REMOVAL REQUIREMENTS FOR COMBINED SEWER SYSTEMS

Legal Authority: 33 USC 1311(b)(1)(B) /CWA 301(b)(1)(B); 33 USC 1314(d)(1) /CWA 304(d)(1)

CFR Citation: 40 CFR 133

Legal Deadline: None

Abstract: In this amendment the Agency will provide a mechanism for permit adjustments for treatment plants served by Combined Sewer Systems similar to that which was recently promulgated (June 3, 1985) for separate sewer systems. The existing regulation requires 85% removal of BOD5 and suspended solids (65% for equivalent treatment) from treatment plants served by combined sewers during dry weather flow conditions. Problems exist in meeting these requirements when plants experience less concentrated influents.

Timetable:

Action	Date	FR Cite
NPRM	09/17/87	52 FR 35210
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1962.

FTS:8-382-7371.

Agency Contact: Randy Revetta, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, 202 382-7370

RIN: 2040–AB13

2795. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM SEWAGE SLUDGE PERMIT REGULATIONS; STATE SLUDGE MANAGEMENT PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 33 USC 1251(b) /CWA 101(b); 33 USC 1285(j) /CWA 205(j); 33 USC 1313(e) /CWA 303(e); 33 USC 1317(b) /CWA 307(b); 33 USC 1318 /CWA 308; 33 USC 1345 /CWA 405; 33 USC 1361(a) /CWA 501(a); 33 USC 1370 /CWA 510; 42 USC 6905(b) /RCRA 1006(b); 42 USC 6907 /RCRA 1008; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6944 /RCRA 4004; 42 USC 6945 /RCRA 4005; 42 USC 7410 /CAA 110; 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory, December 15, 1986.
12/15/86 for state program approval procedures (Water Quality Act of 1987).

Abstract: The agency proposed requiring States to develop and obtain approval for sludge management programs. Included in the proposal were: 1) program approval procedures; and 2) the elements of an approvable

State program, including compliance monitoring and enforcement provisions in 1986. THe 1988 reproposal reflects new requirements of the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4458
Reproposal	03/09/88	53 FR 7642
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2163.

FTS:8-475-9529

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9529

RIN: 2040–AA73

2796. WATER QUALITY PLANNING AND MANAGEMENT GRANTS FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 42 USC 1324 /CWA 314

CFR Citation: 40 CFR 35; 40 CFR 130

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This regulation will enable Indian Tribes to be treated as states for the following programs: Water Pollution Control Program Grants (Section 106), Water Quality Management Planning Grants Section 205(j), Clean Lakes Implementation Grants (Section 314) and Nonpoint Source Implementation Grants (Section 319). This action is required by the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2479.

FTS:8-382-5371

Agency Contact: Patricia Morris, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, 202 382-5371

RIN: 2040–AB35

2797. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1281/CWA 201

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. The Agency is revising that action as a final rule.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7256.

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 382-2287

RIN: 2040–AA70

2798. COMPREHENSIVE CONSTRUCTION GRANT REGULATION REVISION

Legal Authority: 33 USC 1281 / CWA 201; CWA 518; CWA Title VI

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, August 5, 1988.
Deadline applies to treatment of Indian Tribes as States.

Abstract: This regulation will amend existing regulations to implement the Water Quality Act of 1987. That Act amended the construction grants program, provided for grants to Indian Tribes under a national set-aside.

Timetable:

Action	Date	FR Cite
Final Action	03/00/89	
Final Action Effective	05/00/89	
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2585.

FTS:8-382-2287

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, WH-546, Washington, DC 20460, 202 382-2287

RIN: 2040–AB25

2799. EFFLUENT GUIDELINES FOR NONFERROUS METALS FORMING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1341 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 471

Legal Deadline: None

Abstract: The Agency will promulgate amendments to the final regulation published August 23, 1985 (50 FR 34242). As part of the implementation of a settlement agreement, the Agency published proposed amendments to two subcategories in the nonferrous metals forming point source category (June 9, 1988; 53 FR 21776). The amendments affect facilities that conduct tube reducing operations in the nickel and cobalt forming subcategory (Subpart C) and in the zirconium and hafnium forming subcategory (Subpart I). These final amendments will revise BPT, BAT, NSPS, and pretreatment standards in the nickel-cobalt and zirconium-hafnium subcategories.

Timetable:

Action	Date	FR Cite
NPRM	03/06/84	49 FR 8112
NPRM Comment Period End	08/23/85	50 FR 34242
Proposed Amendments	06/09/88	53 FR 21776
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2600.

FTS: 8-382-7126

Agency Contact: George M. Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AB30

2800. ● EFFLUENT GUIDELINES FOR ALUMINUM FORMING (REVISION)

Legal Authority: 33 USC 1331 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 457

Legal Deadline: None

Abstract: In response to a settlement agreement (4/1/85), the Agency has proposed and is developing final amendments to regulations which limit the discharge of pollutants to United States waters and publicly owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	03/19/86	51 FR 9618
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1438

FTS:8-382-7126

Agency Contact: George M. Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AB52

2801. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None

Abstract: Revisions to the General Pretreatment Regulations were proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations. The purpose of the rule will be to clarify reporting and compliance monitoring requirements, add flexibility for cities implementing the program and improve procedures for local and state program approval.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21454
Final Action	00/00/00	

Extension of comment period
Notice 08/21/86 (51 FR 29950)

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-475-7054.

Agency Contact: George Utting, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-8328**

RIN: 2040–AA81

2802. OCEAN INCINERATION REGULATION (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1401 /MPRSA

CFR Citation: 40 CFR 220; 40 CFR 227; 40 CFR 228; 40 CFR 234

Legal Deadline: None

Abstract: The Agency has indefinitely suspended all activities relating to the development of a regulatory program governing the incineration of liquid wastes at sea.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action indefinitely suspended	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2140.

FTS:8:475-7180

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, **202 475-7180**

RIN: 2040–AA72

2803. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; EFFECTIVE DATES AND CAPACITY VARIANCES FOR SELECTED FIRST THIRD WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 148

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: The Agency is required to prohibit injection of hazardous wastes under sections 3004(f) and (g) by specified deadlines unless (1) the facility demonstrates no migration through a petition or (2) the facility treats the waste to specified levels which reduce the threat to human health. The Administrator may grant variances for up to two years where treatment capacity is unavailable. This rule proposes effective dates for selected first thirds wastes. It also proposes to grant capacity variances for those wastes and extends the statutory prohibitions for two years.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14892
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2581.

FTS:8-382-5508

Agency Contact: John Atcheson, Environmental Protection Agency, Water, WH-550, Washington, DC 20460, **202 382-5508**

RIN: 2040–AB47

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Completed Actions

2804. EFFLUENT GUIDELINES FOR GUM AND WOOD (REVISION)

CFR Citation: 40 CFR 454

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard E. Williams 202 382-7186

RIN: 2040–AA17

2805. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Significance: Regulatory Program

CFR Citation: 40 CFR 144.103; 40 CFR 144.104; 40 CFR 440.142; 40 CFR 440.144; 40 CFR 440.143; 40 CFR 440.145

Completed:

Reason	Date	FR Cite
Final Action	05/24/88	53 FR 18764

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Willis E. Umholtz 202 382-7191

RIN: 2040–AA65

2806. EFFLUENT GUIDELINES FOR NONFERROUS METALS: (PHASE I) (REVISION)

CFR Citation: 40 CFR 421

Completed:

Reason	Date	FR Cite
Final Action	01/21/88	53 FR 1704

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Hall 202 382-7126

RIN: 2040–AA96

2807. DEFINITION OF "WATERS OF THE UNITED STATES"

CFR Citation: 40 CFR 122.2

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dave Greenburg 202 475-9524

RIN: 2040–AB01

2808. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 124; 40 CFR 232; 40 CFR 233

Completed:

Reason	Date	FR Cite
Final Action	06/06/88	53 FR 20764

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lori Williams 202 382-5043

RIN: 2030–AA00

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Proposed Rule Stage

2809. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2201/AEA 161

CFR Citation: 40 CFR 191

Legal Deadline: None

Abstract: On August 15, 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These Standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. Subsequent to promulgation of this rule, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. As of September 23, 1987 the Court vacated and remanded Subpart B of the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No.2590

FTS:8-475-9633

Agency Contact: Daniel Egan, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9633

RIN: 2060–AC30

2810. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 274/Reorganization Plan 3 of 1970/TSCA

CFR Citation: 40 CFR 193

Legal Deadline: None

Abstract: The Agency intends to set generally applicable standards for the management and disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	11/00/88	

EPA—AEA

Proposed Rule Stage

Action	Date	FR Cite
Final Action	06/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9633

RIN: 2060–AA04

2811. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 272

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	10/00/90	
Final Action	10/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2073.

FTS: 8-475-9620.

Agency Contact: John L. Russell, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9620

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Final Rule Stage

2812. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action provides Interim recommendations to Federal Agencies to establish dose rate limits for people exposed to transuranium elements in the general environment.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1162.

FTS:8-475-9620.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9620

RIN: 2060–AA01

2813. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency (RF) radiation, which may pose a potential health risk. The Agency is considering four alternative approaches to RF radiation guidance, three of which are regulatory and one nonregulatory. Upon Presidential approval of EPA guidance (to federal agencies in the formulation of radiation exposure standards), the pertinent agencies are responsible for implementation.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	07/30/86	51 FR 27318
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 1525.

FTS: 8-475-9626.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: David E. Janes, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, 202 475-9626

RIN: 2060–AA02

2814. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a) /AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards as 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 36000
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1166.

FTS:8-475-9620

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, ANR-460, 202 475-9620

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Proposed Rule Stage

2815. REVISION TO PUBLIC WATER SYSTEM SUPERVISION (PWSS) STATE PRIMACY REQUIREMENTS

Legal Authority: 42 USC 300 /SDWA 1417

CFR Citation: 40 CFR 142

Legal Deadline: None

Abstract: This action will set requirements, application procedures, and administrative process for submission of State program revisions for EPA review and approval and revise the existing primacy regulations which currently apply only to the process for initial primacy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2489.

FTS:8-382-5522

Agency Contact: Carl Reeverts, Environmental Protection Agency, Water, WH-550-E, Washington, DC 20460, **202 382-5522**

RIN: 2040–AB26

2816. REVISIONS TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL REGULATIONS

Legal Authority: 42 USC 300j-4 /SDWA 1445; 42 USC 300h-1 /SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization- by-rule requirements. EPA will also propose amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). EPA will also propose definitions for the terms "convert" and "conversion" to help clarify when a well changes status from one well classification to another. Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2426.

FTS:8-382-5530

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5530**

RIN: 2040–AB27

2817. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS (PHASE II, 40 CONTAMINANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1988.

Abstract: EPA is reproposing maximum contaminant level goals (MCLGs) and proposing National Primary Drinking Water Regulations (NPDWRs) for about 40 synthetic organic chemicals and inorganic chemicals. The NPDWRs consist of proposed maximum contaminants level (MCLs), as well as proposed monitoring, reporting, and public notification requirements for these contaminants. This action proposes the best available technology (BAT) upon which the MCLs are based and BAT for the purposes of issuing variances and exemptions to public water systems. In addition to the NPDWRs for the synthetic organic chemicals and inorganic chemicals, the notice proposes monitoring requirements for other synthetic organic chemicals which are not regulated by NPDWRs or proposed for regulation in this notice.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/13/85	50 FR 46936
NPRM MCLs	12/00/88	
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-7575**

RIN: 2040–AA55

2818. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, August 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclides in drinking water. These radionuclides include radium, uranium, radon, gross alpha, and gross beta and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	03/00/89	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2281.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency,

EPA—SDWA **Proposed Rule Stage**

Water, (WH-550-D), Washington, DC 20460, 202 382-7575

RIN: 2040–AA94

2819. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.
This deadline applies only to the disinfection requirements.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variance criteria will be developed. The Agency will propose MCLGs and MCLs for disinfectants and disinfection by-products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	09/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2340.

FTS: 8-382-7575

Agency Contact: Joseph A. Cotruvo, Environmental Protection Agency, Water, WH-550D, 202 382-7575

RIN: 2040–AA97

2820. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS (PHASE V/25 CONTAMINANTS)

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and NPDWRs for about 25 inorganic and organic chemicals specified in the SDWA.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM Comment Period End	11/13/85	50 FR 16936
MCLs		
NPRM	05/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2630.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, 202 382-7575

RIN: 2040–AB11

2821. PUBLIC WATER SUPPLY SUPERVISION PROGRAM ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 / SDWA 1414

CFR Citation: 40 CFR 144; 40 CFR 148

Legal Deadline: None

Abstract: EPA is required to promulgate regulations to describe procedures for the notice and opportunity for public hearing, and conference with primacy States concerning administrative orders under Section 1414(g) of the Safe Drinking Water Act. The Agency will also amend 40 CFR Part 22 to include PWS penalty assessments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2381

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, WH-550, Washington, DC 20460, 202 382-5558

RIN: 2040–AB07

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Final Rule Stage

2822. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; AMENDMENTS TO TECHNICAL REQUIREMENTS FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004(f) and (g)

CFR Citation: 40 CFR 124; 40 CFR 144; 40 CFR 146; 40 CFR 148

Legal Deadline: Final, Statutory, August 1988.

Abstract: This action proposes to amend the regulations governing the underground injection of hazardous wastes in two major areas. Additions to Part 146 propose to impose stricter standards on the construction and operating requirements applicable to owners and operators of Class I wells. New Part 148 would codify EPA's regulatory framework for implementing the land disposal restrictions for injection wells under sections 3004(f) and (g) of RCRA. Amendments to Parts 124 and 144 modify administrative procedures that are applicable to Class I wells.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32446
Final Action	07/26/88	53 FR 28118
California List and 1st Sixth of 1st Third		
Final Action	10/00/88	
2nd Sixth of 1st Third		
Final Action	11/00/88	
2nd Third		
Final Action	06/00/89	
3rd Third		
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2211.

FTS:8-382-5508

Agency Contact: John Atcheson, Environmental Protection Agency, Water, WH-550-A, **202 382-5508**

RIN: 2040–AB03

2823. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 300j-11/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. EPA is to issue associated regulations by eighteen months after the date of enactment (signed June 19, 1986). The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants under these two programs, in the same manner as States.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46712
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Additional Information: SAR No. 2440.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Office of Ground Water Protection, (WH-550G), Washington, DC 20460, **202 382-7077**

RIN: 2040–AB18

2824. CRITERIA FOR FILTRATION AND DISINFECTION OF SURFACE WATER AND PRIMARY DRINKING WATER REGULATIONS FOR MICROBIOLOGICAL CONTAMINANTS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: EPA plans to establish regulations specifying criteria that States will use to determine which surface water systems will be required to install filtration. The regulations will also address performance criteria for filtration systems. The criteria will include disinfection requirements. The regulations will constitute NPDWRs for Giardia, viruses, and other pathogens. The Agency will also set MCLGs for certain microbiological contaminants.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/03/87	52 FR 42178
Notice of Additional Regulatory Options	05/06/88	53 FR 16348
Final Action	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2376.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, WH-550-D, **202 382-7575**

RIN: 2040–AB24

2825. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and MCL/Monitoring requirements for naturally occurring lead and copper as specified in the SDWA. this rule will also establish a treatment technique requirement for corrosion.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM MCLG	11/13/85	50 FR 46936
NPRM MCLGs/MCLs & Treatment Technique	08/16/88	53 FR 31516
Final Action	01/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Federal

Additional Information: SAR No. 2610

FTS:8-382-5508

Agency Contact: Jeanne Briskin, Lead Task Force, Environmental Protection Agency, Water, 401 M Street, SW, Washington, DC 20460, **202 382-5508**

RIN: 2040–AB51

2826. UNDERGROUND INJECTION CONTROL PROGRAM ON INDIAN LANDS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Legal Deadline: Final, Statutory, March 19, 1987.

Abstract: EPA is required to prescribe an Underground Injection Control (UIC) Program in States that do not have an approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the Tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
NPRM	05/11/87	52 FR 17684
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2131.

FTS: 8-382-5558

Agency Contact: Donald M. Olson, Environmental Protection Agency,

Water, (WH-550), Washington, DC 20460, 202 382-5558

RIN: 2040–AA76

2827. SDWA INDIAN PRIMACY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 300h-1/SDWA 1422; 42 USC 300j-11/SDWA 1451

CFR Citation: 40 CFR 35; 40 CFR 141; 40 CFR 142; 40 CFR 143; 40 CFR 144; 40 CFR 145; 40 CFR 146

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: EPA is required to promulgate final regulations, specifying conditions under which Indian Tribes may be treated as States, be delegated primacy enforcement authorities, and receive grants for both the Underground Injection Control and the Public Water System Supervision programs.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28112
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2383.

FTS:8-382-5555

Agency Contact: Al Havinga, Environmental Protection Agency, Water, Office of Drinking Water, WH-550D, 202 382-5555

RIN: 2040–AB04

2828. PUBLIC WATER SYSTEM SUPERVISION PROGRAM: BAN ON LEAD IN PLUMBING

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Other, Statutory, June 19, 1988.
For Final Guidance

Abstract: EPA has promulgated new public notification requirements regarding lead contamination of drinking water to implement section 1417(a)(2) of the Safe Drinking Water Act (SDWA). The new public notification requirements for lead require public water systems to identify and provide notice to persons who may be affected by lead contamination in their drinking water, where such contamination results from the use of lead in the construction materials of the distribution system. Section 1417(b) provides that the lead public notification requirements in section 1417(a)(2) shall be enforced in all States as of June 19, 1988. EPA is authorized to withhold up to five percent of a State's section 1443(a) public water system supervision program grant if the Agency determines that the State is not enforcing the prohibition and public notice requirements for lead. The existing grant regulations, specifically 40 CFR Part 35, do not need to be changed to accommodate this withholding. EPA will publish a guidance document that will implement this part of the SDWA as soon as it is available.

Timetable:

Action	Date	FR Cite
DRAFT GUIDANCE	08/03/88	
FINAL GUIDANCE	10/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2378.

FTS:8-382-5522

Agency Contact: Carl Reeverts, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5522

RIN: 2040–AB05

2829. CRITERIA FOR IDENTIFYING CRITICAL AQUIFER PROTECTION AREAS

Significance: Regulatory Program

Legal Authority: 42 USC 300h-6 /SDWA 1451

CFR Citation: 40 CFR 149.1

Legal Deadline: Final, Statutory, June 19, 1987.

Abstract: Section 1427 of the SDWA amendments of 1986 requires EPA to develop a rule to establish criteria for identifying Critical Aquifer Protection Areas (CAPA) within designated sole source aquifers. The amendments authorize EPA to establish grant programs to fund demonstration programs by State or local governments to protect groundwater within CAPAs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/19/87	52 FR 23982
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2405.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, 202 382-7077

RIN: 2040–AB23

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Noise Control Act (NCA)

Final Rule Stage

2830. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905(a)(1)/ NCA 6(a)(1)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2046.

FTS:8-382-4996

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: K.E. Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), **202 382-4996**

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Prerule Stage

2831. MANAGEMENT OF USED OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6925 /RCRA 3005; 42 USC 6930 /RCRA 3010; 42 USC 6935 /RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: None

Abstract: EPA has determined not to list recycled oil as a hazardous waste. Furthermore, the 11/19/86 notice 51 FR 41900 delineates the Agency's intention to pursue different strategies to control used oil that is to be recycled and use oil bound for disposal. Used oil bound for disposal may be regulated under a RCRA disposal listing and/or under the CWA. The 11/19/86 notice states that although some controls on recycling may be promulgated in the interim, comprehensive recycling management rules including standards applicable to the combustion of used oil, will not be issued until EPA determines specifically how to regulate used oil bound for disposal. The Agency does not have a more specific schedule for issuing the used oil disposal listing for the recycling regulations.

Timetable:

Regulatory Determination
Notice 00/00/00

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2434.

FTS:8-382-7917

Docket No. 3014

Contact James R. Berlow for management standards (OS-322)

Contact Robert Dellinger for listing decision (OS-332)

Agency Contact: James Berlow, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7917**

RIN: 2050–AC17

2832. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 3002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: EPA conducted a study of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste and other wastes generated by the combustion of coal by electric utility power plants. The study was in response to Section 8002(n) of RCRA and culminated in a Report to Congress on March 8, 1988. EPA must determine within six months after submitting the report, holding public hearings, and allowing for public comment whether to regulate any of these wastes under Subtitle C of RCRA.

Timetable:

Regulatory Determination
Notice 10/00/88

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2572.

FTS:8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), **202 382-3608**

RIN: 2050–AC53

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

2833. ● OIL POLLUTION PREVENTION REGULATION

Significance: Agency Priority

Legal Authority: 33 USC 1251 /CWA 311(j)(1)(c)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major oil spill with substantial environmental impacts, an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a significant upgrade to the Oil Pollution Prevention Regulation and an inventory of the regulated community. Because of the need for rapid upgrade of the regulation and the time required to inventory the regulated industry, a two phased regulatory approach is being pursued. In Phase I, widely accepted industry practices that are currently recommended practices in the regulation will be changed to required practices. Also, to facilitate an inventory of facilities subject to the regulation, a provision will be added requiring facilities to notify EPA of their existence. The Phase II regulatory effort will address other recommended modifications. The costs of the regulation will be compliance costs for the minority of facilities not complying with basic industry practices contained in the guidelines section of the current regulation. PARAGRAPH CONTINUED IN ADDITIONAL INFORMATION

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2634

FTS:8:382-4130

The benefits of the regulation are expected to be a reduction in the loss of oil and oil products that might otherwise be spilled, a reduction in cleanup costs and a reduction in adverse effects to human health and the environment from spilled oil.

Agency Contact: John M. Cunningham, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 382-4130

RIN: 2050–AC62

2834. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6925 / RCRA 3007

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2332.

FTS: 8-475-9315

Agency Contact: Tim Kasten, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, D.C. 20460, 202 475-9360

RIN: 2050–AB59

2835. ● HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS, USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903 /RCRA 1004; 42 USC 6912 /RCRA 2002; 42 USC 6921 /RCRA 3001; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment will require those who submit delisting petitions for hazardous wastes to provide ground water monitoring data as part of their petition the amended regulations will clarify the Agency's authority to consider the impact of a petitioned waste on ground water and deny a petition based on ground water contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2622

FTS:8-382-4536

Agency Contact: Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, 202 382-4536

RIN: 2050–AC65

2836. NEW REQUIREMENTS FOR STATE HAZARDOUS WASTE PROGRAMS

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 271

Legal Deadline: None

Abstract: EPA's authority to require capable implementation of a State's hazardous waste management program as a prerequisite to authorization will be codified. The current consistency requirements may be revised to provide specific guidance on inconsistent state actions taken without adequate health or environmental rationales. The Agency will streamline authorization and withdrawal procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2527.

FTS:8-382-2233

Agency Contact: Lillian Bagus, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-342), 202 382-2233

RIN: 2050–AC51

2837. NO-MIGRATION VARIANCE FOR RESTRICTED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency will propose a regulation that interprets the statutory requirements for making a "no-migration" demonstration that would allow the land disposal of untreated hazardous waste that has been restricted from land disposal under 40 CFR 268. The regulation will define such terms as "no-migration," "responsible degree of certainty," "hazardous constituent," and various pathways by which waste can migrate and the environmental media of concern.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2524.

FTS:8-382-4678

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4678**

RIN: 2050–AC56

2838. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - WOOD PRESERVING AND SURFACE PROTECTION WASTE

Significance: Agency Priority

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: Other, Statutory, November 8, 1985.
November 8, 1985 for those wastes containing dioxins.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2174

FTS:8-475-8551

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC59

2839. MUNICIPAL WASTE COMBUSTOR ASH MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 6907 /RCRA 1008; 42 USC 6944 /RCRA 4004; 42 USC 6949 /RCRA 4010

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on preliminary data, EPA has determined a need to develop a management scheme for handling and disposing of municipal waste combustor ash. The Agency is considering various options for addressing concerns over fugitive dust emissions and groundwater contamination. [Pending legislation on this issue may affect Agency program plans.]

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2494.

FTS:8-382-4489

Agency Contact: Susan O'Keefe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), **202 382-4489**

RIN: 2050–AC24

2840. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846) INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program follow minimum good laboratory practices and quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2507.

FTS:8-382-4761

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, **202 382-3282**

RIN: 2050–AC32

2841. SAMPLING AND ANALYSIS METHODS FOR WASTE TESTING

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005; 42 USC 6912 / RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action deals with annual updates to the RCRA manual of approved test methods (Test Methods for Evaluating Solid Waste, SW-846). It adds additional approved methods and modifies the existing methods to reflect the latest available performance data.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2068.

FTS-8-382-4761.

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 382-3282

RIN: 2050–AA82

2842. AIR TOXICITY CHARACTERISTIC FOR HAZARDOUS WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: EPA will develop test procedures to predict the release of volatile organic compounds from wastes. These procedures will be coupled with specific threshold concentrations that are derived from considerations of human health effects as well as persistence in the environment and the ability of compounds to be transported from the disposal site. Wastes exceeding the specific threshold will be considered hazardous. Evaluations may be performed by the generator, treater, etc.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No.2568

FTS:8-475-8551

Agency Contact: David Topping, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-7737

RIN: 2050–AC23

2843. CONCENTRATION-BASED RELISTING OF WASTES FROM CHLORINATED ALIPHATICS

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action exempts from regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2482.

FTS:8-382-4795

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-4795

RIN: 2050–AC30

2844. CONCENTRATION-BASED RELISTING OF WASTES FROM EXPLOSIVES, INORGANIC CHEMICALS, AND IRON AND STEEL INDUSTRIES

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action exempts from regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2483.

FTS:8-475-8551

Agency Contact: Denny Cruz, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC31

2845. DETERMINATION ON SOLID WASTE FROM SELECTED METALLIC ORE PROCESSING OPERATIONS

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Statutory, October 15, 1988. Final, Statutory, February 15, 1989. Other, Statutory, January 30, 1990.
Regulatory Determination Notice due 01/30/90

Abstract: EPA is presently developing a list of "high-volume, low- hazard" ore processing wastes for study under Section 8002(p) of RCRA, in response to an opinion of the U.S. Court of Appeals for the D.C. Circuit (EDF v. EPA, No. 86-1584, July 29, 1988). EPA will then conduct a Section 8002 study of those processing wastes excluded from Subtitle C regulation by the "Bevill Amendment" [3001 (b)(3)(A) RCRA]. The study will culminate in a Report to COngress in July 1989. RCRA Section 3001(b)(3) requires the Agency, after public hearings and public comment, to determine within six months of submitting the report, whether to regulate any of these wastes under RCRA Subtitle C.

Timetable:

Action	Date	FR Cite
Final Action	02/00/89	
List of Exempted Wastes		
NPRM	10/00/88	
Regulatory Determination		
NOTICE	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2571.

FTS:8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

323), Washington, DC 20460, **202 382-3608**

RIN: 2050–AC54

2846. ● EXCLUSIONS FOR WASTE GENERATED ON-BOARD SHIPS (REVISION)

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.4(c)

Legal Deadline: None

Abstract: This proposed rule would amend an exemption in 40 CFR 261.4(c) which is currently limited to product or raw material vessels, so that it will apply to all vessels. The result of this change would be that all vessel operators, both product and non-product, would be regulated the same. In both cases, hazardous wastes generated on-board ships would not be subject to the RCRA regulations for storage, manifesting, etc., until the waste is removed from the ship. The discharge of any wastes while underway is governed by regulations issued under the provision of the Clean Water Act, Rivers and Harbors Act, Refuse Act, CERCLA/SARA, and others.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2635

FTS8:475-9715

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-9715**

RIN: 2050–AC61

2847. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste for any purpose, including energy recovery, material recovery, or destruction.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16982
NPRM (Supplement)	11/00/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2078.

FTS-8-382-7926.

Contains previous RIN 2050-AA29.

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7926**

RIN: 2050–AA72

2848. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, May 8, 1987.

Abstract: EPA has proposed these regulations under the authority of section 3004(a) and 3004(o)(4) of the Resource Conservation and Recovery Act. The regulations would require: 1) new landfills, surface impoundments, waste piles, and land treatment units for the treatment, storage, or disposal of hazardous wastes to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles, and certain landfills and surface impoundments; and 3) development of a construction quality assurance program for certain landfills and surface impoundments, as well as final covers at land treatment units. EPA originally proposed this rule on May 29, 1987 (52 FR 20218); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
NPRM (Reproposal)	11/00/88	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2080.

FTS-8-382-4682.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4654**

RIN: 2050–AA76

2849. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to promulgate standards for the location of hazardous waste treatment, storage, and disposal facilities. Two existing location standards (floodplain and seismic restrictions) at 40 CFR Part 264.18 will be amended based on new data and information. Additional standards will specify other criteria for the acceptable location of new, expanding, and existing treatment, storage and disposal facilities in a variety of sensitive environments (e.g., unstable terrains, wetlands).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2303.

FTS:8-382-4678.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4678

RIN: 2050–AB67

2850. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2390.

FTS:8-382-4497

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, 202 382-4497

RIN: 2050–AB80

2851. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will provide alternate closure options for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects. These rules allow for cover systems to be designed base on unique site and waste characteristics. EPA originally proposed this rule on March 19, 1987 (52 FR 8712); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM (Reproposal)	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2391.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AB81

2852. EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 9005

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: The incinerator standards of Subpart O of Part 264 will be strengthened by proposed additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2453.

FTS:8-382-7935

Agency Contact: Mary Cunningham, Environmental Protection Agency, Solid Waste and Emergency Response, OS-322, Washington DC 20460, 202 382-7935

RIN: 2050–AB90

2853. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory, January 15, 1988.

Abstract: The Agency is investigating the need to set separate treatment standards for soil and debris containing hazardous wastes. By statute, these wastes do not become subject to the Land Disposal Restrictions Rule (51 FR 40572 and 52 FR 25760) for Solvents and Dioxins (RCRA 3004(e)) and the California List (RCRA 3004(d)) until 11/8/88. If necessary, the Agency will further subcategorize the waste streams to provide separate treatment standards applicable to such wastes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2461.

FTS:8-382-4770

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, OS-333, Washington, DC 20460, 202 382-4770

RIN: 2050–AC03

2854. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This proposal will establish special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2439.

FTS:8-382-4751

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, 202 382-4751

RIN: 2050–AC04

2855. CORRECTIVE ACTION FOR RELEASES TO GROUND WATER FROM REGULATED HAZARDOUS WASTE UNITS

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to ground water from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures. The requirements for regulated units will be amended to conform to the corrective action requirements for solid waste management units.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2503.

FTS:8-382-4654

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4685

RIN: 2050–AC28

2856. LAND DISPOSAL RESTRICTION FOR SECOND THIRD OF SCHEDULED WASTES

Legal Authority: 42 USC 6924(g) /RCRA 3004(g); 42 USC 6924(h) /RCRA 3004(h); 42 USC 6924(j) /RCRA 3004(j); 42 USC 6924(k) /RCRA 3004(k); 42 USC 6924(m) /RCRA 3004(m)

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: This rule will establish land disposal restrictions for the second third of scheduled hazardous wastes and promulgate treatment standards for these waste streams as required by sections 3004(g) and 3004(m) of RCRA. The schedule was published on May 28, 1986 (51 FR 19300).

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2522.

FTS:8-382-4770

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, 202 382-4770

RIN: 2050–AC55

2857. ● MODIFICATION OF THE DEFINITION OF WASTEWATER TREATMENT UNIT

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 270

Legal Deadline: None

Abstract: Currently, wastewater treatment units and elementary neutralization units are exempt from the requirements in 40 CFR Parts 264, and 265 (see 45FR76074, November 17, 1980). This action will amend the regulations to explain more clearly that thermal treatment units, except sludge dryers, are not exempt from regulation under the "wastewater treatment unit exclusion." It was never EPA's intention that thermal treatment units be exempt from regulation. Rather, specific regulations have been developed for these devices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2570

FTS:8-382-2250

Agency Contact: David Tomten, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 382-2250

RIN: 2050–AC66

2858. LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUND WATER MONITORING

Legal Authority: 42 USC 3251 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: The Appendix IX of 40 CFR Part 264 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in ground water monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first part (Detection Monitoring) of the ground water monitoring program. This proposal would also include a more detailed discussion of the appropriate monitoring techniques than currently exists in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2435.

FTS: 382-4654

Agency Contact: Jerry Garman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington DC 20460, 202 382-4654

RIN: 2050–AC05

2859. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions will be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2158.

FTS: 8-475-7787.

Agency Contact: David Levenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, 202 475-9325

RIN: 2050–AB01

2860. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on the first mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of wastes from the extraction and benefication of ores and minerals under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will propose a set of criteria for the proper disposal of mining wastes under RCRA Subtitle D authority. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication in regulatory efforts.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	02/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2389.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, OS-323, Washington, DC 20460, 202 382-3608

RIN: 2050–AB77

2861. ● GUIDELINE FOR PROCUREMENT OF INSULATION PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6962/RCRA 6002(e)

CFR Citation: 40 CFR 248

Legal Deadline: Other, Judicial. Consent decree requires submission of NPRM to Federal Register no later than 7/27/88 and Final Rule by 2/8/89.

Abstract: The Guideline Implements Section 6002(e) of RCRA, which requires EPA to designate items which can be produced with recovered materials and to prepare guidelines to assist procurement agencies in complying with the requirements of Section 6002. Once EPA has designated an item, Section 6002 requires that any procuring agency using appropriated Federal Funds to procure that item must purchase such items containing the highest percentage of recovered materials practicable. The guideline designates building insulation products as products for which the procurement requirements of RCRA Section 6002 apply. The guideline also contains recommendations for implementing these procurement requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2611

FTS:8-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-330), Washington, DC 20460, 202 382-4502

RIN: 2050–AC69

2862. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES- FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated

community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/88	53 FR 3818
NPRM	09/00/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2465.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC15

2863. ● UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: FINANCIAL TEST FOR SELF INSURANCE FOR LOCAL GOVERNMENT ENTITIES

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 20 CFR 280

Legal Deadline: None

Abstract: These regulations will establish a simple financial test that local governments can use for the purpose of self insuring for taking corrective action and compensating third parties for bodily injury and property damage as required by the Financial Responsibility Requirements promulgated in September 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	08/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: SAR No. 2642

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC67

2864. ● IMPLEMENTATION OF TITLE III ON INDIAN LANDS

Legal Authority: 42 USC 11013 /Title III; 42 USC 11028 /Title III

CFR Citation: 40 CFR 355; 40 CFR 370; 40 CFR 372

Legal Deadline: None

Abstract: Title III of SARA does not specifically address implementation on Indian lands. This regulation will identify Indian Tribes as appropriate implementing authority and will clarify to whom facilities in Indian Country should report under the statute. It is not clear whether States have authority to enforce on Indian Lands. Treating tribes as states will result in universal implementation of the law, and will represent a new burden for tribes which they may not be equipped to handle. For this reason, we are proposing that tribes may enter into cooperative agreements with states or other tribes to share the burden.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2643

FTS:8-382-7912

Agency Contact: Kathleen Bishop, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, 202 382-7912

RIN: 2050–AC64

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

2865. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PETROLEUM REFINERY PRIMARY TREATMENT SLUDGE

Significance: Regulatory Program

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	11/12/80	45 FR 74893
NPRM	11/12/80	45 FR 74893
NOTICE	02/11/85	50 FR 5637
NOTICE	04/13/88	53 FR 12162
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2226.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Ben Smith, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-4791

RIN: 2050–AB70

2866. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE - METHYL BROMIDE

Significance: Agency Priority

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained

in 40 CFR Parts 262-266 and Parts 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16432
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2157 For further information contact the RCRA/Superfund Hotline (800-424-9346); in the Metropolitan Area (202-382-3000)

Agency Contact: RCRA/Superfund Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **202 382-3000**

RIN: 2050–AC60

2867. ● RCRA DEFINITION OF SOLID WASTE (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This regulation will provide: (1) the Agency's interpretation of a court opinion, concerning the Agency's authority in regulating certain recycled hazardous secondary materials and (2) amendments to the rules required by the court's opinion.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 519
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAR No. 2575

FTS:8-475-8551

Agency Contact: Mike Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC68

2868. SOLID WASTE DISPOSAL FACILITY CRITERIA

Significance: Regulatory Program

Legal Authority: 42 USC 6907a / RCRA 1008a; 42 USC 6944 / RCRA 4004; 42 USC 6949 / RCRA 4010

CFR Citation: 40 CFR 257; 40 CFR 258

Legal Deadline: NPRM, Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require EPA, by March 31, 1987, to revise the subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the subtitle D criteria for municipal landfills. At a minimum these criteria must include ground-water monitoring requirements, location standards, and corrective action requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33314
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2224.

FTS-382-4489

Agency Contact: Susan O'Keefe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC, **202 382-4489**

RIN: 2050–AB21

2869. CHANGES TO INTERIM STATUS AND PERMITTED FACILITIES FOR HAZARDOUS WASTE MANAGEMENT; PROCEDURES FOR POST-CLOSURE PERMITTING

Legal Authority: 42 USC 6912(a) /RCRA 2002(a); 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 265; 40 CFR 270; 40 CFR 271

Legal Deadline: None

Abstract: These regulations will: (1) facilitate modifications at interim status facilities that are necessary to respond to RCRA requirements, and (2) allow the Agency to deny permits for the active life of a facility while a permit decision with respect to the post-closure period remains pending. The portion of the proposed rule dealing with permit modifications is addressed in the permit modifications rulemaking (see RIN 2050-AC22).

Timetable:

Action	Date	FR Cite
NPRM	08/14/87	52 FR 30570
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2398.

FTS:8-382-4751

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-342), Washington, DC 20460, **202 382-4751**

RIN: 2050–AC29

2870. GUIDELINE FOR FEDERAL PROCUREMENT FOR RETREAD TIRES

Legal Authority: 42 USC 6912(a) /RCRA 2002(a); 42 USC 6962 /RCRA 6002

CFR Citation: 40 CFR 253

Legal Deadline: None

Abstract: This action implements Section 6002(e) of RCRA, as amended, which requires EPA (1) to designate items which can be produced with recovered materials and (2) to prepare guidelines to assist procuring agencies in complying with the requirements of Section 6002. Once EPA has designated a procurement item, Section 6002 requires that any procuring agency using appropriated Federal funds to procure that item must purchase such items containing the highest percentage of recovered materials practicable.

Timetable:

Action	Date	FR Cite
NPRM	05/02/88	53 FR 15624
Final Action	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2510.

FTS:8-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid

Waste and Emergency Response, (OS-330), **202 382-4502**

RIN: 2050–AC52

2871. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Final, Statutory, March 8, 1987.
November 8, 1986 for adding additional characteristics; March 8, 1987 for revising the extraction procedure.

Abstract: The EPA is proposing to amend its hazardous waste identification regulations by introducing a new extraction procedure to be used in the Toxicity Characteristic and by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants. EPA originally proposed this rule on June 13, 1986 (51 FR 21648).

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 18024
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2062.

FTS-8-382-4794.

Agency Contact: John Goodrich-Mahoney, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 382-4794**

RIN: 2050–AA78

2872. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Final, Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. The regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, 2) minimize the presence of free liquids in containers holding hazardous waste to be disposed of in landfills and 3) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Notice of Availability of Supplemental Information	06/24/87	52 FR 23695
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2207.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 475-8860**

RIN: 2050–AB12

2873. GROUND-WATER MONITORING AT HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action will change the Subpart F ground-water monitoring regulations. The following is a summary of the major changes:

o allow use of site-specific data on contaminant fate and transport for ground-water monitoring variances;

o allow flexibility in well installation requirements when access to waste management boundary is difficult;

o clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas;

o allow flexibility in schedules for submittal of information upon approval by the Regional Administrator (R.A.);

o base the requirement for ground-water flow rate and direction determinations upon site-specific fluctuations in water levels;

o clarify the R.A.'s authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone;

o authority to designate supplemental monitoring wells when justified by complicated monitoring situations; and (see additional information for completion of abstract.)

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28160
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2277.

FTS-382-7371

o allow a return to detection or compliance monitoring as appropriate;

o add quality assurance and quality control requirements for ground-water monitoring devices and methods

Agency Contact: Joe Abe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4654**

RIN: 2050–AB20

2874. DELAY IN THE CLOSURE PERIOD FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: The current regulations require that closure of a hazardous waste unit begin after the final receipt of hazardous wastes. The proposed rule will identify the circumstances under which a unit that ceases to receive hazardous wastes may continue to accept non-hazardous wastes. Amendments will identify conditions for the subsequent use of a unit for non-hazardous waste management and coordination with other closure activities of a hazardous waste

management facility. Portions of the closure requirements (Subpart G) will be amended in both parts 264 and 265. These changes will increase the flexibility in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20738
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2487.

FTS: 8-475-6725

Agency Contact: Sharon Frey, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 475-6725

RIN: 2050–AB71

2875. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(o) /RCRA 3004(o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Final, Statutory, November 1986.

Abstract: This rule establishes minimum technology requirements (e.g., double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, as well as lateral expansions and replacements to existing landfills and surface impoundments. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2388.

FTS: 8-382-4684

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4684

RIN: 2050–AB76

2876. STATISTICAL METHODS FOR EVALUATING GROUND WATER MONITORING DATA FROM HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: EPA promulgated regulations for detecting contamination of ground water at hazardous waste land disposal facilities under RCRA. The statistical methods and sampling procedures required in 40 CFR Part 264, Subpart F for evaluating ground water monitoring data have been shown to be inappropriate. EPA proposed amendments to these rules on August 24, 1987, and is now finalizing the revisions.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/86	51 FR 29812
NPRM	08/24/87	52 FR 31948
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2436.

FTS:8-475-7240

Agency Contact: Jim Brown, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-7240

RIN: 2050–AB92

2877. LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - OTHER INSTRUMENTS

Legal Authority: 42 USC 6901 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: The Agency is finalizing revisions to the financial responsibility requirements for liability coverage for third- party bodily injury and property damage resulting from accidental occurrences at hazardous waste treatment, storage, and disposal facilities. The revisions are intended to allow greater flexibility in the types of financial instruments that can be used by hazardous waste facility owners and operators who may have encountered difficulties in obtaining insurance or the limited number of other possible instruments to meet liability coverage requirements. Other instruments, such corporate guarantees, surety bonds, trust funds, and letters of credit, are being authorized through this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2460.

FTS:8-382-4780

Agency Contact: Carlos Lago, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 382-4780

RIN: 2050–AC19

2878. PERMIT MODIFICATIONS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6925 /RCRA 3004 and 3005

CFR Citation: 40 CFR 270

Legal Deadline: None

Abstract: This regulation will amend RCRA procedures (codified at 40 CFR 270.41 and 270.42) for modifying hazardous waste management permits. The rulemaking provides EPA, authorized states, and permittees more flexibility in modifying permits, particularly where modifications will increase public and environmental protection or facilitate compliance with new regulations. At the same time, the regulation will provide for improved public participation in the permit modifications. The proposed rule was developed through regulatory negotiation with representatives of EPA, the states, industry, and public

interest groups. RIN 2050-AA37 has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35838
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1805.

FTS 8-382-2223

Agency Contact: Frank McAlister, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-2223**

RIN: 2050–AC22

2879. PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS AND DELISTING HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 3005

CFR Citation: 40 CFR 260; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: This action responds to a petition submitted to EPA by the Hazardous Waste Treatment Council (HWTC). It will establish state-wide permitting procedures for mobile hazardous waste treatment units and will modify hazardous waste delisting procedures, so that hazardous waste treatment residues could be delisted as part of the permitting process. In addition, the petition response solicited comment on HWTC's request that EPA exempt certain treatment technologies from the requirements for hazardous waste management.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20914
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2397.

FTS:8-382-2223

Agency Contact: Frank McAlister, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-2223**

RIN: 2050–AC20

2880. TRIAL BURNS FOR EXISTING HAZARDOUS WASTE INCINERATORS

Legal Authority: 42 USC 6905 /RCRA 3006; 42 USC 6912 /RCRA 3002; 42 USC 6927 /RCRA 3007; 42 USC 6974 /RCRA 7004

CFR Citation: 40 CFR 270.62(d)

Legal Deadline: None

Abstract: This rule will clarify the requirements of 40 CFR 270.62(d) which describes procedures for permitting existing hazardous waste incinerator facilities under RCRA. EPA will require submission of trial burn data prior to permit issuance.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23342
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2544.

FTS:8-382-4775

Agency Contact: David Dellarco, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, **202 382-4775**

RIN: 2050–AC50

2881. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for owners and operators to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank containing petroleum. These requirements are applicable to all owners and operators, excluding Federal and State entities. The Agency has proposed aggregate levels of coverage for multiple tanks and will allow a variety of mechanisms to provide evidence of financial responsibility.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12786
Final Action	10/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2255.

FTS:8-382-7903

Agency Contact: Sammy Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, **202 382-7903**

RIN: 2050–AB89

2882. ● UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM-FINANCIAL RESPONSIBILITY REQUIREMENTS; SUSPENSION OF ENFORCEMENT PROCEDURES

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation will establish final procedures for suspension of enforcement from the "Financial Responsibility Requirements," which is expected to be published in the Fall, 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12786
Final Action	07/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAR No. 2641

FTS:8-382-7903

This action was split from RIN:2050-AB89

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

EPA—RCRA — Final Rule Stage

410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC63

2883. UNDERGROUND STORAGE TANKS - STATE PROGRAM APPROVAL

Legal Authority: 42 USC 6991(c) /RCRA 9004

CFR Citation: 40 CFR 281

Legal Deadline: None

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for States to apply for the EPA approval of such State programs.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12853
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information: SAR No. 2234. FTS: 382-9724

Agency Contact: Gwen Gebhard, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 475-9724

RIN: 2050–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Completed Actions

2884. DETERMINATION ON WASTES FROM THE EXPLORATION, DEVELOPMENT OR PRODUCTION OF CRUDE OIL, NATURAL GAS, AND GEOTHERMAL ENERGY

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	07/06/88	53 FR 25446

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Derkics 202 382-3608

RIN: 2050–AC08

2885. LAND DISPOSAL RESTRICTIONS FOR FIRST THIRD OF SCHEDULED WASTES

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
Final Action	08/17/88	53 FR 17578

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Stephen Weil 202 382-4770

RIN: 2050–AC13

2886. GUIDELINES FOR CONTENT IN RE-REFINED OIL PROCURED BY THE FEDERAL GOVERNMENT

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	06/30/88	53 FR 24699

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sanjour 202 382-4502

RIN: 2050–AB53

2887. MINIMUM RECOVERED MATERIALS CONTENT IN PAPER AND PAPER PRODUCTS PROCURED BY THE FEDERAL GOVERNMENT

CFR Citation: 40 CFR 250

Completed:

Reason	Date	FR Cite
Final Action	06/22/88	53 FR 23546

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Sanjour 202 382-4502

RIN: 2050–AC18

2888. UNDERGROUND STORAGE TANKS - TECHNICAL REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 280

Completed:

Reason	Date	FR Cite
Final Action	09/23/88	53 FR 37082
Final Action Effective	12/22/88	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: David O'Brien 202 382-7815

RIN: 2050–AB19

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA) — Prerule Stage

2889. NAAQS: OZONE(REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become available since the last revision of the standard. In order to retain a unified regulatory review package in light of the emerging data base on health and

welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and reviewed in an addendum to the criteria document. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Complete review of criteria document addendum and staff paper		
NOTICE	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1920.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AA96

2890. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the NO2 NAAQS was completed in June 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1004.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, N.C. 27711, 919 541-5656

RIN: 2060–AC06

2891. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1001.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AC07

2892. NSPS: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60,Subpart JJ

Legal Deadline: Final, Statutory, August 1982.

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could affect any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
NOTICE -- solicitation of public participation	08/10/87	52 FR 29548
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AA12

2893. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60,Subpart OO

Legal Deadline: Final, Statutory, August 1982.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. The potential regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices. The emissions reduction techniques that would be considered would be carbon absorbers or refrigerated condensers.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on whether to regulate NOTICE	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AA14

2894. NSPS: ORGANIC SOLVENT DEGREASING (111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Section 111(d) of the CAA provides a mechanism by which EPA can require states to develop emissions standards for existing sources for certain source categories for which NSPS standards have been developed. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could impact any manufacturing operations that employs organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
Decision on whether to regulate NOTICE	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AA33

2895. NSPS: COAL PREPARATION PLANTS (REVIEW)

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Other, Statutory. The Agency is required to review this regulation every 4 years.

Abstract: EPA is reviewing the standard to determine if revisions are warranted. The review will assess performance and costs of emission control systems at coal preparations plants as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	02/11/85	
End Review	07/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2387.

FTS: 8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5602

RIN: 2060–AB84

2896. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS(REVIEW)

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing an asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2430.

FTS:8-629-5425.

Agency Contact: Kenneth Durkee, Chief, Standards Documentation Section, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5425

RIN: 2060–AC21

2897. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 112

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of the pollutants listed below. The Agency will publish decisions regarding whether these pollutants should be controlled as specified air pollutants under the Clean Air Act or under other regulatory mechanisms in order to protect the public health.

Timetable:

Acetaldehyde
Decision on Regulation 01/00/89
Ethyl Chloride
Decision on Regulation 10/00/88
Naphthalene
Decision on Regulation 03/21/88 (53 FR 9138)
Propylene
Decision on Regulation 10/00/88
Propylene Oxide
Decision on Regulation 12/00/88

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS:8-629-5646

Agency Contact: Robert G. Kellam, Environmental Protection Agency, Air

and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5646

RIN: 2060–AB56

2898. NESHAP:CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). EPA is investigating the need for regulation of cadmium and techniques to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will propose standards.

Timetable:

Action	Date	FR Cite
Decision on Regulation	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1869.

FTS:8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5602

RIN: 2060–AB92

2899. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: In 1985, the Agency published a notice of intent to list perchloroethylene under Section 112. A decision on whether to regulate this source category under the NESHAP program has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NOTICE – intent to list	12/26/85	50 FR 52880
NOTICE – decision on whether to regulate	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2360.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC27

2900. NESHAP: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to organic solvent cleaners (degreasers) and would control emissions of perchloroethylene, methylene chloride, and trichlorethylene from new and existing sources. The emissions reduction techniques that would be considered would be combinations of add-on controls, hardware and improved operating practices.

Timetable:

Action	Date	FR Cite
NOTICE – solicitation of public participation	08/17/87	52 FR 29548
NOTICE – decision on whether to regulate	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal, Federal

Additional Information: SAR No. 1695.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC31

2901. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None
No deadline for final rulemaking. Report to Congress and the President due 10/28/88.

Abstract: EPA is examining information relevant to a ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban. The Agency recently completed a cooperative study with the U.S. Department of Agriculture to assess the effects of a lead ban on farm equipment. A report to the President and Congress has been prepared and is under final Agency review.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Announcement of findings and recommendations		
NOTICE	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2633

RIN: 2060–AB60

EPA—CAA Prerule Stage

2902. FUEL AND FUEL ADDITIVES: HEALTH AND EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Final, Statutory, August 7, 1978.

Abstract: The CAA requires that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to: 1) fuel or additive registration, and 2) introduction of the fuel or additive into the marketplace. Fuels and additives already registered or on sale would also have to undergo testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2365.

FTS:8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8408

RIN: 2060–AC10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA) Proposed Rule Stage

2903. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory, Reviews due by December 31, 1980 and at 5-year intervals.

Abstract: EPA is reassessing the health and welfare information that has become available since the promulgation of the standard. A staff paper is in preparation for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Review	02/00/89	
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1919.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AA95

2904. NAAQS: FINE PARTICULATE MATTER

Significance: Regulatory Program

Legal Authority: 42 USC 7408 /CAA 108; 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.7

Legal Deadline: None

Abstract: On July 1, 1987, EPA issued an ANPRM soliciting public comment on the development of a new secondary (welfare-based) NAAQS for fine particles (those particles less than 2.5 micrometers in aerodynamic diameter). This action represents a continuation of the review process for the secondary standards for particulate matter discussed by the Agency on March 20, 1984 (49 FR 10408). The principal welfare effect to be addressed by such a standard is impairment of visibility. Once a decision on whether and how to proceed is reached, a schedule for further action will be developed.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24670
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2577.

FTS:8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AC32

2905. FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLAN TO PROTECT VISIBILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7410 /CAA 110; 42 USC 7491 /CAA 169A

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial, August 31, 1988.

Abstract: Section 169A of the CAA requires that State Implementation Plans (SIPs) contain provisions to remedy existing and prevent future visibility impairment in certain national parks and wilderness areas. In 1980, EPA promulgated guideline regulations for States to follow in developing their SIP revisions (40 CFR 51.300-307). Many States failed to submit adequate visibility SIPs and EPA was sued to force the Agency to promulgate SIPs for such States. EPA entered into a consent decree under which it promulgated SIPs implementing most of the requirements of the visibility regulations in States that have not submitted adequate SIPs. Under the consent decree, EPA has until August 31, 1988 to propose regulations to deal with existing visibility impairment in four States.

Timetable:

Action	Date	FR Cite
NPRM	03/12/87	52 FR 7802
Final Action	11/24/87	52 FR 45132
NPRM Remedying Existing Impairment	10/00/88	

Action	Date	FR Cite
Final Action Remedying Existing Impairment	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2428.

FTS:8-629-5634

Agency Contact: Thompson G. Pace, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5634

RIN: 2060–AB82

2906. ● NEW SOURCE REVIEW REQUIREMENTS – CMA EXHIBIT B

Legal Authority: 42 USC 7410 /CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association (CMA) and other parties who challenged the regulation amendments promulgated on August 7, 1980. This action covers the issues in Exhibit B of the agreement.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2608

FTS:8-629-5592

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC, 27711, 919 541-5592

RIN: 2060–AC54

2907. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million 1b/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2164.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AB55

2908. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, June 1, 1989. Final, Judicial, September 1, 1990.

Abstract: The purpose of this action is to develop new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 million Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2239.

FTS:8-629-5595

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5595

RIN: 2060–AB95

2909. NSPS: MUNICIPAL WASTE COMBUSTORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The EPA has completed a preliminary assessment of air emissions from municipal waste combustors (MWC). Based on this assessment, EPA has concluded that MWC emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare. As a result, EPA issued a notice in the Federal Register (52 FR 25399) that announces its intent to regulate emissions from new and modified MWC under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sections 108-110 or 112) thus invoking Section 111(d) which will require States to develop additional emissions standards for existing MWC based on EPA guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/87	52 FR 25399
ANPRM Comment Period End	10/06/87	52 FR 37335
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2424.

FTS:8:629-5602

Agency Contact: Alfred E. Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 2771, 919 541-5602

RIN: 2060–AC26

2910. NSPS: MUNICIPAL LANDFILLS

Significance: Agency Priority

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This rule will regulate emissions from new and modified municipal landfills under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Section 108 - 110 or 112 of the Act) thus invoking Section 111(d). Section 111(d) will require States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2535.

FTS:8-629-5672

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5672

RIN: 2060–AC42

2911. NESHAP: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Legal Deadline: NPRM, Statutory, March 1985.

Abstract: This regulation would control emissions of coke oven emissions, which have been designated as hazardous under section 112. It would require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging and leaks from doors, lids, or offtakes for all existing or new sources. A supplemental proposal will be published to reevaluate the standard consistent with the court decision on vinyl chloride. The schedule has been delayed pending a decision on how to respond to a court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
Final Action	00/00/00	
(Supplemental)		
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AA48

2912. NESHAP: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revising the asbestos NESHAP standard to require the addition of monitoring requirements for asbestos mills, asbestos manufacturing operations and asbestos waste disposal operations. EPA is also considering revising the demolition and renovation standard to require specific recordkeeping and reporting requirements designed to help improve compliance of these sources, which is currently believed to be low. The schedule has been delayed pending a decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AB51

2913. NESHAP:CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. Also, EPA is investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will propose standards. Agency actions on industrial comfort cooling towers and chromium electroplating are described separately in the agenda.

Timetable:

Action	Date	FR Cite
NPRM -- decision on whether to regulate	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS: 8-629-5596

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5596

RIN: 2060–AB83

2914. NESHAP: CHROMIUM–INDUSTRIAL COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). EPA is further assessing the public health risks of chromium compounds. Preliminary assessment performed by EPA has identified industrial process cooling towers as a source category for which the proposal of national emission standards may be warranted. If EPA decides, based on

these investigations, that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will propose standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5602**

RIN: 2060–AC12

2915. NESHAP: CHROMIUM--ELECTROPLATING

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. A preliminary assessment performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5602**

RIN: 2060–AC14

2916. NESHAP: HAZARDOUS ORGANICS

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential regulation would control emissions of 1,3-butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, as hazardous pollutants under Section 112. The potential regulation would cover the production categories and some use categories for these eight pollutants. It would require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves. The schedule has been delayed pending a decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2363.

FTS:8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AC19

2917. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential standard would control ethylene oxide emissions from sterilization chambers. The emission reduction being considered would require add-on controls for sterilizers. The schedule has been delayed pending decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2484

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC28

2918. NESHAP: BENZENE RECONSIDERATION

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, June 1988. Final, Judicial, December 1988. Since the June, 1988 proposal date was extended to July 20, the final action will most likely be extended.

Abstract: In June 1984, the Agency promulgated a NESHAP for benzene equipment leaks and withdrew proposed NESHAPS for benzene emissions from maleic anhydride plants, ethylbenzene/styrene plants, and benzene storage tanks (49 FR 23478). This action will reevaluate the three withdrawn proposals and the benzene fugitive NESHAP, along with coke oven by-product emission, consistent with the recent court decision on the vinyl chloride NESHAP.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2558.

FTS:8-629-5625

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air

and Radiation, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AC41

2919. NESHAP: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 7401/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, February 28, 1989. Final, Judicial, August 31, 1989.
U.S. Court of Appeals for the D.C. Circuit has granted EPA's motion to remand radionuclides NESHAPs and decisions not to regulate.

Abstract: EPA addressed the risks to individuals and to populations due to radionuclide emissions to air in rulemaking decisions issued in 1985. Following the Vinyl Chloride decision. EPA requested a voluntary reward from the D.C. Circuit to reconsider its decisions in light of the court's opinion. This action is taken under the authority of Section 112 of the Clean Air Act. Reconsideration will include the following source categories: Department of Commission, Elemental Phosphorous plants, Radon-222 emissions from licensed uranium mill tailings, Coal-fired boilers, uranium fuel cycle facilities, inactive uranium mill tailings, high-level radioactive waste, and phosphogypsum piles. Alternatives the Agency is considering are either the promulgation of emission standards or work practices or a decision not to regulate. These actions will consider the risks due to radionuclides emitted to air from all significant sources (see also benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2547.

FTS:8-475-9610

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9610

RIN: 2060–AC47

2920. GUIDELINE ON AIR QUALITY MODELS (REVISION)

Legal Authority: 42 USC 2475(e)/CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: In response to Section 320 of the Clean Air Act, EPA plan to hold the Fourth Conference on Air Quality Modeling in October 1988. Based on input provided to the Agency at or closely following this Conference, the need for additional revisions to EPA's Guideline on Air Quality Models will be evaluated. If appropriate, a NPRM will be developed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2557.

FTS:8-629-5561

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, 919 541-5561

RIN: 2060–AC43

2921. PSD INCREMENTS FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7476/CAA 166

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The purpose of this action is to prevent significant deterioration of air quality as measured by the new indicator for particulate matter, PM10. The existing PSD program has particulate matter increments based on the original TSP indicator. The EPA has now promulgated a PM10 NAAQS to replace the original TSP-based particulate matter NAAQS. Therefore, EPA is preparing to revise the PSD program by promulgating PM10 increments in accordance with section 166 of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2491.

FTS:8:629-5593

Agency Contact: Daniel DeRoeck, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5593

RIN: 2060–AC33

2922. HYDROCARBON STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Through this action, EPA will consider the establishment of more stringent hydrocarbon emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The new standards for lighter light-duty trucks would be no more stringent than the existing passenger car standard and an equivalently stringent standard for heavier light-duty trucks. In the ANPRM, EPA also requested comments on the possibility of tighter carbon monoxide standards for light-duty trucks.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 2287.

FTS: 8-374-4496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4496

RIN: 2060–AB85

2923. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. Through this action, if deemed feasible and desirable, EPA will control emissions at the time of refueling.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Supplemental NPRM	12/00/88	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8270

Agency Contact: Phil Carlson, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, 313 668-4270

RIN: 2060–AC04

2924. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credit. The study has been completed and made available to the public and a technical workshop was held in January 1987. EPA is analyzing the comments received from the public and from the workshop.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1315.

FTS: 8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4408

RIN: 2060–AC05

2925. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: The particulate standards for 1991 and later model year heavy-duty diesel engines may require the use of trap-oxidizers for some vehicles and engines. The existing test procedures do not expressly describe how to deal with emissions and fuel economy effects during trap regeneration. If it turns out that trap oxidizers are necessary to comply with the 1991 particulate standards, the Agency will develop an appropriate test procedure.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2373.

FTS: 8-374-8496

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4496

RIN: 2060–AC08

2926. NONCONFORMANCE PENALTIES FOR 1991 THROUGH 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1991 through 1994 model year emission standards for heavy-duty vehicles and engines. The availability of NCPs will allow a manufacturer, whose vehicles or engines fail to conform with certain applicable emission standards, but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This rule is the third phase of NCP rulemaking. The first, published August 30, 1985 established generic aspects of NCPs. The second, published December 31, 1985, addressed NCPs applicable to 1987 through 1990 model years.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2431.

FTS:8-382-2535.

Agency Contact: Richard Babst, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, 202 382-2535

RIN: 2060–AC39

2927. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-

duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are appropriate so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2136.

FTS: 8-374-8416.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4416**

RIN: 2060–AB53

2928. ● ALTERNATIVE TEST PROCEDURES FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would consider an alternative testing procedure to be used in the voluntary aftermarket parts certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure is an acceptable test procedure for this program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2637

FTS:8-374-4316

Agency Contact: Michael Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AC50

2929. ● MOTOR VEHICLE EMISSIONS PERFORMANCE WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider allowing alternative dynamometer specifications for an existing loaded-mode short test approved for use in State and local inspection/maintenance programs in conjunction with the federal emissions performance warranty regulations. The alternative specifications the Agency is considering would allow lower loading, perhaps varying by engine size. Such a change could improve overall test effectiveness for identifying excess in-use emissions and correlation with the Federal Test Procedure.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2638

FTS:8-374-4471

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, Emission Control Technology Division, 2565 Plymouth Rd, Ann Arbor, MI 48105, **313 668-4471**

RIN: 2060–AC51

2930. DIESEL FUEL QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None

Abstract: Trap oxidizers, the use of which may be required to meet future heavy-duty diesel particulate standards, may require the use of low sulfur diesel fuels. In promulgating the particulate standard, EPA promised to examine the potential need for low-sulfur fuel. In particular, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will consider the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2366.

FTS:8-374-8339

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AC11

2931. ● GENERAL REQUIREMENTS FOR DETERMINATION OF GASOLINE METAL CONTENT

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will add a new method(s) to a previously promulgated set of testing procedures for the determination of lead (and perhaps other metals) content in gasoline. Such action would provide flexibility to both government and private laboratories in analyzing gasoline samples.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2629

FTS:8-374-8841

Agency Contact: David Kortum, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 475-8841**

RIN: 2060–AC52

2932. ● FUEL AND FUEL ADDITIVES: ENFORCEMENT OF SECTION 211(F)(4) WAIVERS

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: The purpose of this action is to establish regulations under sections

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211(c) and 211(f) of the CAA for the enforcement of prohibitions against certain fuel and fuel additives not complying with CAA requirements. The regulations will also formalize the procedures for reviewing applications from manufacturers of fuel and fuel additives for waivers of the provisions of paragraphs (1), (2), and (3) of section 211(f), which the Agency may grant pursuant to section 211(f)(4).

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2604

FTS:8-374-8572

Agency Contact: Nancy Pirt, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 475-8572**

RIN: 2060–AC53

2933. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I to N

Legal Deadline: None

Abstract: The purpose of this action is to investigate the magnitude of the area non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 2240.

FTS:8-629-5672.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5672**

RIN: 2060–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Final Rule Stage

2934. ● STATE IMPLEMENTATION PLANS: ATTAINMENT STATUS DESIGNATIONS

Significance: Agency Priority

Legal Authority: 42 USC 7501-7508 /CAA 101-108

CFR Citation: 40 CFR 81

Legal Deadline: NPRM, Statutory, August 31, 1988.

Abstract: On June 6, 1988 (53 FR 20722), the EPA, as directed by the Mitchell-Conte Amendment of December 22, 1987 (contained in the continuing resolution of 1987, Pub. L. 100-202), proposed to designate as nonattainment under the CAA those areas throughout the nation that have not attained the NAAQS for either ozone or carbon monoxide (CO). EPA proposed to designate as nonattainment those areas currently codified as attainment or unclassified, and to renew the designations for areas currently codified as nonattainment. The notice also proposed for public comment 3 interpretations of the regulatory consequences of these nonattainment designations under the Mitchell-Conte amendment.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20722
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 5440

FTS:8-629-5517

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AC56

2935. NAAQS: SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Other, Statutory, December 31, 1980.
Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and welfare. On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	04/26/88	53 FR 14926
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1002.

Docket No. OAQPS-79-7.

FTS:8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA61

2936. NEW SOURCE REVIEW REQUIREMENTS -- CMA EXHIBIT A

Significance: Regulatory Program

Legal Authority: 42 USC 7410/CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980. The schedule below covers the issues included in Exhibit A of the Agreement; a separate rulemaking is underway for Exhibit B issues.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	12/00/88	
Final Action		
New Source Review 10/00/88		
Surface Coal Mines 10/00/88		
NPRM		
New Source Review 08/25/83 (49 FR 38742)		
Surface Coal Mines 10/24/84 (48 FR 43211)		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1845.

FTS:8:629-5592.

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5592**

RIN: 2060–AA68

2937. ● NEW SOURCE REVIEW REQUIREMENTS -- SURFACE COAL MINES AND FUGITIVE EMISSIONS

Significance: Regulatory Program

Legal Authority: 42 USC 7410 /CAA 110; 42 USC 7470-7479 /CAA 160-169

CFR Citation: 40 CFR 52.21; 40 CFR 51.166; 40 CFR 52.24; 40 CFR Appendix S

Legal Deadline: None

Abstract: The various EPA regulations that govern new construction under the CAA generally apply to "major" new stationary sources of air pollution and "major" modifications of existing sources. They require fugitive emissions to be included in threshold applicability determinations of whether a new source is "major," but only for 30 categories of sources. The purpose of this action is to determine if surface coals mines should be added to the existing list of 30 categories. A companion action will respond to a petition on the more general issue of including fugitive emissions in NSR applicability determinations.

Timetable:

Action	Date	FR Cite
NPRM	10/26/84	49 FR 43211
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2298

FTS:8-629-5374

Agency Contact: William Lamason, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5374**

RIN: 2060–AC40

2938. NSPS: SOCMI AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA30

2939. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation will control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1733.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA35

2940. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46464
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1736.

FTS:8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AA36

EPA—CAA

Final Rule Stage

2941. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, August 1982.

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	52 FR 36678
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: Multiple

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA37

2942. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the monitoring, recordkeeping and reporting requirements (51 FR 13424).

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 43424
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2028.

FTS: 8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060–AB05

2943. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2044.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB22

2944. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2083.

FTS: 8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AB29

2945. NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111; 42 USC 7414 /CAA 114

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has completed a four-year review of this NSPS. As a result, the Agency intends to revise the monitoring requirements associated with the standard to require installation of continuous opacity monitors on all kilns and clinker coolers subject to the standards after.

Timetable:

Action	Date	FR Cite
NPRM	09/10/85	50 FR 36956
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2186.

FTS: 8-629-5568

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AB38

2946. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	04/30/87	52 FR 15906
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2237.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AB67

2947. NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation is intended to limit emissions of volatile compounds from new, modified, and reconstructed refinery wastewater systems.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	52 FR 16334
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1696.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AB81

2948. NSPS: MAGNETIC TAPE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This regulation is intended to limit emissions of volatile organic compounds from new, modified, and reconstructed magnetic tape manufacturing lines.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2996
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1928.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AB88

2949. STATE IMPLEMENTATION PLANS: APPROVAL OF POST -1987 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NOT ATTAINING THE NATIONAL AMBIENT AIR QUALITY STANDARDS NAAQS

Significance: Regulatory Program

Legal Authority: 42 USC 7401 et seq/CAA

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: The EPA is developing a program to address the likelihood that many areas in the country will not attain the national ambient air quality standards (NAAQS) for ozone and carbon monoxide (CO) by December 31, 1987, the latest date for attainment expressly identified in the Clean Air Act. This notice describes EPA's views about how EPA should interpret the Act so as to bring those areas into attainment, the reasons for that interpretation, and the concrete steps EPA intends to take to implement that interpretation soon and in the long term. The final policy will be an advance notice of how EPA intends, in subsequent rulemakings, to judge the adequacy of State efforts to plan for attainment of the ozone and CO standards.

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45044
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2559.

FTS:8-629-5517

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5517

RIN: 2060–AB96

2950. NESHAP: CHROMIUM--COMFORT COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 15 USC 2605; 15 USC 2607

CFR Citation: 40 CFR 749

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Because emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent. EPA has decided that emissions standards are warranted, and standards have been proposed under Section 6 of TSCA.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	09/15/86	51 FR 32668
NPRM	03/29/88	53 FR 10205
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5625

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5625

RIN: 2060–AC13

2951. RURAL FUGITIVE DUST POLICY FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7401 /et. seq CAA

CFR Citation: 40 CFR 50; 40 CFR 52

Legal Deadline: None

Abstract: Since 1977, EPA has allowed States with rural fugitive dust areas (RFDAs) to discount fugitive dust in developing and enforcing a State Implementation Plan(SIP) for attainment and maintenance of the NAAQS for particulate matter (PM). On July 1, 1987, EPA promulgated revisions to its particulate matter National Ambient Air Quality Standards (NAAQS), 52 FR 24634. In this notice, EPA also solicited comments on alternatives for SIP requirements for RFDAs and on the adequacy of the definitions which are used in identifying RFDAs, and the importance of protecting annual versus 24-hour NAAQS (52 FR 24716). The EPA will issue its decision after considering public comments on the alternatives. The EPA will continue its existing fugitive policy and apply it to implementation of the revised particulate standard until a decision is made.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24716
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2543.

FTS:8-629-5634

Agency Contact: Thompson G. Pace, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5634**

RIN: 2060–AC44

2952. PSD REGULATIONS FOR NOX

Significance: Regulatory Program

Legal Authority: 42 USC 7476 /CAA 166

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: Final, Judicial, October 9, 1988.

Abstract: In March 1986, the Sierra Club, et al., filed suit against EPA for not promulgating regulations pursuant to section 166 of the Clean Air Act for nitrogen oxides (NOx). The court decision issued by the District Court for the Northern District of California on April 1, 1987, requires the EPA to propose regulations by February 9, 1988, and promulgate regulations by October 9, 1988.

Timetable:

Action	Date	FR Cite
NPRM	02/08/88	53 FR 3698
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2421.

FTS:8-541-5592

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5592**

RIN: 2060–AC24

2953. EMISSION STANDARDS AND TEST PROCEDURES FOR METHANOL-FUELED NEW MOTOR VEHICLES

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This rule will develop emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	08/29/86	51 FR 30984
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2112.

FTS: 8-374-8227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4227**

RIN: 2060–AB28

2954. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. This rule will consider options to deal with this problem including control of commercial fuel volatility and a change to certification test fuel volatility.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31274
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2318.

FTS:8-374-8339

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, **313 668-4339**

RIN: 2060–AB89

2955. PARTICULATE EMISSION STANDARDS FOR CERTAIN 1987 AND LATER MODEL YEAR LIGHT-DUTY DIESEL TRUCKS (REVISION)

Legal Authority: 42 USC 7521/CAA 202; 42 USC 7525/CAA 206; 42 USC 7601/CAA 301

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA is considering revising the particulate emission standards for light-duty diesel trucks with a loaded vehicle weight equal to or greater than

3751 pounds. The standard would be relaxed for the 1987-1990 model years, allowing manufacturers to devote their resources to developing particulate trap oxidizer technology. Then in 1991, the standard would be tightened to 0.13 grams per mile which is twice as stringent as the current applicable standard.

Timetable:

Action	Date	FR Cite
NPRM	06/14/87	52 FR 21075
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2416.

FTS:8-382-2525

Agency Contact: David Robertson, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2525**

RIN: 2060–AC18

2956. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will result in amended rules to provide for certification of emissions compliance by small-volume manufacturers, including commercial importers importing vehicles into the United States. By a separate action, EPA has revised its rules for nonconforming vehicle importation. This action is appropriate to improve the certification regulations and assure compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not specifically intended to apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact businesses involved in importing motor vehicles. The likely impact of these changes will be increased costs to these businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/09/88	53 FR 7676
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2143.

FTS: 8-374-8444.

Agency Contact: Charlie Cole, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4444**

RIN: 2060–AB54

2957. AMENDMENTS TO SELECTIVE ENFORCEMENT AUDITING REGULATIONS

Legal Authority: 42 USC 7525(b)/CAA 206; 42 USC 7542(a)/CAA 211; 42 USC 7601(a)/CAA 208

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: These amendments would delete the mandatory reporting of manufacturers' internal quality assurance emission test data. Prior to promulgation of this requirement in 1980, many manufacturers voluntarily submitted their internal quality assurance data. The deletion of this requirement is not expected to affect the SEA program, especially since many manufacturers will continue to provide the data voluntarily.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33560
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2385

FTS:8-382-4104

Agency Contact: Stephen Sinkez, Environmental Protection Agency, Air and Radiation, EN-340-F, 401 M St., SW, Washington, DC 20460, **202 382-4104**

RIN: 2060–AC34

2958. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) /CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the certification system; improve the procedure for resolution of warranty cost claims by vehicle manufacturers'against certified parts manufacturers; and labeling for certified parts.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 924
Final Action	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2145.

FTS: 8-374-8316

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AB58

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Completed Actions

2959. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn Same as RIN:2060-AC21	08/26/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Kenneth Durkee 919 541-5595

RIN: 2060–AC23

2960. NESHAPS: BENZENE IN COKE OVEN BY-PRODUCT PLANTS

Significance: Regulatory Program

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gilbert Wood 919 541-5625

RIN: 2060–AA42

2961. STRATOSPHERIC OZONE PROTECTION STRATEGY

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	08/12/88	53 FR 30566

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Eileen Claussen 202 382-7407

RIN: 2060–AC09

2962. FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Completed:

Reason	Date	FR Cite
Withdrawn	08/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Kozlowski 202 382-2633

RIN: 2060–AB59

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Proposed Rule Stage

2963. DESIGNATION OF EXTREMELY HAZARDOUS SUBSTANCES AS CERCLA HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This rule may propose to designate 232 non-CERCLA extremely hazardous substances (EHS), as defined in Section 302 of SARA Title III, as hazardous substances pursuant to Section 102 of CERCLA. Currently, only releases of those EHSs that are also CERCLA hazardous substances are required to be reported to the National Response Center under CERCLA Section 103. Upon designation, potential confusion concerning the different SARA Title III and CERCLA requirements might be reduced by ensuring consistent procedures for reporting releases of all EHSs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2336.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, D.C. 20460, 202 382-5650

RIN: 2050–AB62

2964. REPORTABLE QUANTITIES (RQS) FOR SUBSTANCES ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for232 substances on the Extremely Hazardous Substances List, which EPA has proposed for designation as CERCLA hazardous substances. These RQ adjustments will reduce unnecessary reporting of releases to local, State, and Federal officials.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2429.

FTS:8-382-5650

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-5650

RIN: 2050–AC14

2965. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 9604(c)/CERCLA 104(c); 42 USC

9621(d)(3)/CERCLA 121(d)(3); 33 USC 1321(c)(2)/CWA 311(c)(2)

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This rule interprets and codifies (1) the requirements of Section 121(d)(3) of the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and (2) the revised off-site policy directive (November 13, 1987). Section 121(d)(3) and the directive describe procedures that must be observed when a response action funded under CERCLA or using a CERCLA authority involves off-site transfer of CERCLA wastes Section 121(d)(3) of SARA specifies that wastes from removal or remedial actions under CERCLA: 1) only be transferred to facilities that are in compliance with Sections 3004 and 3005 of the Resource Conservation and Recovery Act (RCRA), other applicable Federal laws and State laws, and 2) only be transferred to units at hazardous waste land disposal facilities that are not leaking and where releases from other (non-receiving) units at the facility are under a corrective action program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2538.

FTS:8-382-4808

Agency Contact: **Steve Heare**, Acting Director, RCRA Enforcement Division, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), **202 382-4808**

RIN: 2050–AC35

2966. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: NPRM, Statutory, April 17, 1988.

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. The Superfund Amendments and Reauthorization Act of 1986 mandated that the NCP be revised within 18 months of the date of enactment to incorporate statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2400.

FTS-8-382-2182.

Agency Contact: **Arthur Weissman**, Environmental Protection Agency, Solid Waste and Emergency Response, OS-240, Washington, DC 20460, **202 382-2182**

RIN: 2050–AA75

2967. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(A) / CERCLA 105(a)(8)(A); 42 USC 9605(c) / CERCLA 105(C); 42 USC 9618/CERCLA 118; 42 USC 9625/CERCLA 125

CFR Citation: 40 CFR 300

Legal Deadline: NPRM, Statutory, April 17, 1988.

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system for determining the relative severity of risks among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. CERCLA requires that the HRS be amended to assure, to the extent feasible, that it accurately assesses relative risk to public health and the environment. CERCLA specifically requires that the HRS take into consideration natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/87	52 FR 11513
NPRM	11/00/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2566.

FTS: 8-382-4604

Agency Contact: **Steve Caldwell**, Environmental Protection Agency, Solid Waste and Emergency Response, OS-220, Washington, DC 20460, **202 382-4604**

RIN: 2050–AB73

2968. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - FEDERAL FACILITY SITES

Significance: Regulatory Program

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will propose Federal facility sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5432.

FTS:8-382-3412

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, **202 382-3412**

RIN: 2050–AC57

2969. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This action prescribes the forms and procedures for persons other than the Government to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2564.

FTS: 8-382-4645.

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-4645**

RIN: 2050–AA90

2970. ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2498.

FTS:8-382-4645

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-4645**

RIN: 2050–AC26

2971. WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

Legal Authority: 42 USC 9626(f) /SARA Sec 126(f)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Other, Statutory. 90 days after the Department of Labor promulgates standards.

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (SARA) required the Secretary of Labor, within one year of the date of enactment, to promulgate standards for the health and safety protection of employees engaged in hazardous waste operations. SARA requires the Administrator of EPA to promulgate identical standards applicable to employees of State and Local governments in each State (currently 30) that does not have in effect an approved State Plan under Section 18 of the Occupational Safety and Health Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAR No. 2427.

FTS:8-382-6741

Agency Contact: Rodney Turpin, Environmental Protection Agency, Solid Waste and Emergency Response, **201 321-6741**

RIN: 2050–AC12

2972. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT-TO-KNOW REPORTING REQUIREMENTS--THRESHOLD AMENDMENT

Significance: Regulatory Program

Legal Authority: 42 USC 11011(b)/SARA 311(b); 42 USC 11012(b)/SARA 312(b)

CFR Citation: 40 CFR 370

Legal Deadline: None

Abstract: Under Title III of SARA, EPA has authority to establish thresholds below which facilities do not have to report. In the rule published on October 15, 1987, EPA set reporting thresholds for the first two years of reporting. At the same time, the Agency made a commitment to further evaluate the appropriate level for a permanent threshold.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2644

FTS:8-472-8353

Agency Contact: Kathleen Brody, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, **202 472-8353**

RIN: 2050–AC34

EPA—CERCLA

Proposed Rule Stage

2973. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS I CIVIL PENALTIES UNDER CERCLA AND THE EMERGENCY PLANNING COMMUNITY RIGHT TO KNOW ACT

Legal Authority: 42 USC 9609/SARA 325

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The purpose of the rulemaking is to propose regulations which will govern the conduct of administrative hearings for (1) Class I penalties to be assessed under SARA Section 325(b), and (2) other similar penalties assessed under SARA Section 325(d). The action is expected to have negligible economic impact on consumers industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2511.

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, OECM, Waste Division, Washington, DC 20460, 202 382-3110

RIN: 2050–AC37

2974. ● PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA AND THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9659/SARA 326; 42 USC 11046/CERCLA 310

CFR Citation: 40 CFR 310; 40 CFR 326

Legal Deadline: None

Abstract: These regulations are promulgated under Section 326 of Title III of SARA and Section 310 of CERCLA. They govern the notice required to be given 60 days prior to the filing of a citizen suit.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2615

FTS:8-382-3109

Agency Contact: Belinda Holmes, Environmental Protection Agency, Solid Waste and Emergency Response, OECM, Washington, DC 20460, 202 382-3109

RIN: 2050–AC70

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Final Rule Stage

2975. REPORTING CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12868
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2411.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-2463

RIN: 2050–AA46

2976. REPORTABLE QUANTITIES FOR RELEASES OF POTENTIAL CARCINOGENS AND OTHER HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311; 33 USC 1361/CWA 501(a); E.O. No. 11735

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: NPRM, Statutory, December 31, 1986. Final, Statutory, April 30, 1988.

Abstract: In March 1987 the Agency proposed adjusting, where appropriate, the statutory reportable quantities (RQs) for 273 of the hazardous substances identified in Section 101(14) of CERCLA, as amended. Most (269) of these substances were evaluated for potential carcinogenicity. SARA 202 amends CERCLA 306 to require the Department of Transportation (DOT) to list and regulate as hazardous materials all CERCLA hazardous substances. These regulations require that when these materials are shipped in quantities equal to or greater than their RQs, they be identified as hazardous substances on shipping papers and package markings. DOT promulgated this rule with an effective date of July 1, 1987. The DOT has received several inquiries concerning six frequently transported CERCLA hazardous substances that had their RQs proposed to be adjusted upward in the March 16, 1987 rule. EPA has decided to expedite the final RQ adjustments for these six substances to relieve the regulatory burden on industry. In addition, in this final rule EPA will promulgate the RQs for lead and five lead compounds that were proposed in March 2, 1988 (53 FR 6762).

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8140
Final Action for six substances	10/00/88	

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Final Rule Stage

Action	Date	FR Cite
Final Action for 267 substances	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Ivette O. Vega, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 382-3000

RIN: 2050–AA80

2977. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102; 33 USC 1321/CWA 311; 33 USC 1361/CWA 501(a)

CFR Citation: 40 CFR 302

Legal Deadline: NPRM, Statutory, December 31, 1986. Final, Statutory, April 30, 1988.

Abstract: EPA is adjusting the statutory one-pound reportable quantity (RQ) for radionuclides pursuant to Section 102 of CERCLA. Radionuclides consist of approximately 1,500 radioactive isotopes whose release represents differing degrees of potential harm to human health and the environment. The Agency has proposed individual adjusted RQs for 757 radionuclides, and an RQ of one curie for all of the remaining radionuclides.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8172
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2335.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Pamela Harris, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, D.C. 20460, 202 475-9814

RIN: 2050–AB60

2978. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: In the May 25, 1983 NPRM (48 FR 23552) that proposed to adjust certain reportable quantities (RQs) for releases of hazardous substances, EPA explained the Agency's interpretation of each of the types of releases exempted by the definition of "federally permitted release" in Section 101(10) of CERCLA. Because of the amount of time that has passed and additional analysis undertaken since that NPRM, this action reproposes regulations to clarify the statutory language in Section 101(10) of CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2394.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, 202 382-2463

RIN: 2050–AB82

2979. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7

Significance: Regulatory Program

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23988
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5358.

FTS:8-382-3412

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3412

RIN: 2050–AC16

2980. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 5

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B); 42 USC 9620(d)(2)/CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will promulgate Update 5. See the related actions in the proposed and final sections of the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 21099
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5433.

FTS:8-382-3412

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, Solid Waste and Emergency Response (OS-230), Washington, DC 20460, **202 382-3412**

RIN: 2050–AC45

2981. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 6

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B); 42 USC 9620(d)(2)/CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will promulgate Update 6. See the related actions in the proposed and final rule sections of the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 2492
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5434.

FTS:8-382-3412

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, **202 382-3412**

RIN: 2050–AC47

2982. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - RCRA SITES

Significance: Regulatory Program

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases an and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will propose RCRA sites. See the related actions in the proposed and final rules sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23978
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5357.

FTS:8-382-3412

Agency Contact: Suzanne Wells, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, **202 475-9701**

RIN: 2050–AC48

2983. ARBITRATION PROCEDURES FOR SMALL SUPERFUND COST RECOVERY CLAIMS

Legal Authority: 42 USC 9607(a)/CERCLA 107(a); 42 USC 9622(h)/SARA 122(h)

CFR Citation: 40 CFR 304

Legal Deadline: None

Abstract: This regulation will establish and govern the procedures for arbitration of small CERCLA 107(a) cost recovery claims pursuant to the authority granted EPA by SARA 122(h)(2). The regulation will provide a voluntary procedure by which EPA and PRPs at a site may agree to submit a cost recovery claim for resolution by arbitration. Arbitration may be used only when the total response costs for the facility concerned do not exceed $500,000, excluding interest. Arbitration is an alternative dispute resolution technique that should provide a quicker and less costly method of case resolution than traditional litigation and negotiations.

Timetable:

Action	Date	FR Cite
NPRM	08/04/88	53 FR 29428
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2455.

FTS:8-382-3077

Agency Contact: Janice Linett, Attorney/Advisor, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, Office of Enforcement and Compliance, Monitoring LE-134S, Wash. DC 20460, **202 382-3077**

RIN: 2050–AC36

2984. CITIZEN AWARDS FOR INFORMATION ON CRIMINAL VIOLATIONS UNDER SUPERFUND

Legal Authority: 42 USC 6909(d)/CERCLA 109(d)

CFR Citation: 40 CFR 303

Legal Deadline: None

Abstract: This regulation is being promulgated in response to the requirements established by Section 109(c) of the Superfund Amendments and Reauthorization Act (SARA), codified as CERCLA Section 109(d). This statutory provision authorizes the President to pay an award of up to $10,000 to any individual for information leading to the successful prosecution of any person for a criminal violation of the Comprehensive Environmental Response,

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Final Rule Stage

Compensation, and Liability Act (CERCLA), as amended. Section 109(d) also requires the President to prescribe by regulation criteria for such an award. On January 23, 1987 by Executive Order No. 12580, the President delegated to the Administrator of EPA the authority to promulgate the within regulation, and thereafter to carry out the Section 109(d) award program. This regulation is being promulgated on an interim-final basis in order to permit the more expeditious protection of the public health and the environment, as directed by Congress for this provision of SARA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/88	53 FR 16086
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2495.

FTS:8-475-9666

Agency Contact: Keith Onsdorff, Senior Attorney - Advisor, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401 M Street SW LE-134, Washington, DC 20460, 202 475-9666

RIN: 2050–AC38

2985. TECHNICAL ASSISTANCE GRANTS TO GROUPS AT NATIONAL PRIORITY LIST (NPL) SITES

Legal Authority: 42 USC 9617 / SARA 117

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site. This limit may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	03/24/88	53 FR 9736
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2401.

FTS:8-382-2460

Agency Contact: Daphne Gemmill, Environmental Protection Agency, Solid Waste and Emergency Response, OS-220, Washington DC 20460, 202 382-2460

RIN: 2050–AC10

2986. REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC 9601/SARA 120

CFR Citation: 40 CFR 373

Legal Deadline: Final, Statutory, April 17, 1988.

Abstract: Section 120(h) of SARA requires that EPA, in consultation with the General Services Administration, promulgate rules which will require the disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred from the federal domain. This section of SARA also requires that: (1) the agencies holding such land provide, at the time of transfer, a covenant warranting that all remedial actions necessary for protection of human health and the environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S. EPA is not required to develop rules concerning these latter requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/13/88	53 FR 850
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2464.

FTS:8-382-5647

Agency Contact: Sherry Sterling, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 382-5646

RIN: 2050–AC00

2987. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123; 42 USC 9611(c)(11)

CFR Citation: 40 CFR 310

Legal Deadline: Final, Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/87	52 FR 39386
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2409.

FTS:8-382-3382

Agency Contact: Karen Z. Burgan, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington DC 20460, 202 382-3382

RIN: 2050–AC11

2988. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT

Legal Authority: 42 USC 9609/SARA 325

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for (1) Class II penalties to be assessed under SARA Section 325(b) and (2) other similar penalties assessed under SARA Section 325(c). The rule provides the procedures for these penalty assessments. The action is expected to have negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

EPA—CERCLA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR NO. 2512

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, OECM, Waste Division, Washington, DC 20460, 202 382-3110

RIN: 2050–AC39

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Completed Actions

2989. REPORTABLE QUANTITIES FOR RELEASES OF LEAD METHYL ISOCYANATE (MIC); DELISTING OF AMMONIUM THIOSULFATE

Significance: Regulatory Program

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 116

Completed:

Reason	Date	FR Cite
Withdrawn Merged into RIN 2050-AA80 (SAR 2104)	08/26/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Gerain H. Perry 202 382-5650

RIN: 2050–AC21

2990. TRADE SECRET CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS

CFR Citation: 40 CFR 350

Completed:

Reason	Date	FR Cite
Final Action	07/29/88	53 FR 28772

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Beverly Horn 202 382-5460

RIN: 2050–AC27

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Proposed Rule Stage

2991. ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION (EPAAR); SUBMISSION OF GENERAL FINANCIAL AND ORGANIZATIONAL INFORMATION, AND PURCHASING SYSTEM INFORMATION BY OFFERORS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: General financial and organizational information is only required from offerors in the competitive range. This information does not include information on the offerors purchasing systems. The proposed rule will require that all offerors provide general financial and organizational information, which includes purchasing system information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2551.

FTS:8-382-5028

PL 98-577 Sec. 302

Agency Contact: Edward N. Chambers, Environmental Protection Agency, Administration and Resource Management, PM-214F, 202 382-5028

RIN: 2030–AA06

2992. CONTRACTING FOR EXPERT SERVICES UNDER THE SUPERFUND AMENDMENT AND REAUTHORIZATION ACT (SARA) OF 1986

Legal Authority: 42 USC 9623/SARA 123

CFR Citation: 48 CFR 1505; 48 CFR 1506

Legal Deadline: None

Abstract: The SARA of 1986 authorizes the use of other than competitive procedures when contracting for expert services. These services will be used in preparing or prosecuting a civil or criminal action under the Act. The rule will amend the EPA Acquisition to provide procedures for implementing the provisions of the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2553.

FTS:8-475-7024

Agency Contact: Ed Murphy, Contract Analyst, Environmental Protection Agency, Administration and Resource Management, Procurement and Contracts Mgt. Division, (PM-214-F), Washington, DC 20460, 202 382-5034

RIN: 2030–AA07

EPA—GENERAL

Proposed Rule Stage

2993. ● EVALUATION PROCEDURE FOR AWARD OF FIXED PRICE CONTRACTS FOR COMMERCIAL SUPPLIES AND SERVICES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: The rule will result in the addition of an evaluation procedure to EPA Aquisition Regulation for making award of certain fixed price contracts for commercial supplies or services the procedure will provide for award to the lowest price offeror whose technical proposal meets the minimum needs of the government.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5452

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5035

RIN: 2030–AA09

2994. ● CONTRACTOR COMPLIANCE WITH INFORMATION RESOURCES MANAGEMENT DIRECTIVES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1510; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractor compliance with Agency directives for contracts involving information resources management. Examples of such contracts include the acquisition or modification of a computer program, data communications, and ADP or word processor equipment or services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5451

FTS:8-382-5028

P.L. 98-377, Sec. 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5028

RIN: 2030–AA10

2995. ● MISCELLANEOUS DELEGATIONS FROM THE CONTRACTING AUTHORITY

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501; 48 CFR 1503; 48 CFR 1506; 48 CFR 1514; 48 CFR 1515; 48 CFR 1516; 48 CFR 1517; 48 CFR 1522; 48 CFR 1530; 48 CFR 1531; 48 CFR 1532; 48 CFR 1536; 48 CFR 1545

Legal Deadline: None

Abstract: This rule will amend the EPA Aquisition Regulations to reflect delegations made by the head of contracting activity to other aquisition officials for the exercise of various authorities in the acquisition process. Examples include source selection, approval of termination settlements, and approval of award fee plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5450

FTS:8-382-5028

P.L. 98-377, Section 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5028

RIN: 2030–AA11

2996. ● IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON RATIFICATION OF UNAUTHORIZED COMMITMENTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501

Legal Deadline: None

Abstract: Federal Acquisition Circular 84-33, dated February 8, 1988 amended the Federal Acquisition Regulation to provide coverage on ratification of unauthorized commitments. This rule will delete duplicative FAR information in the EPA Acquisition Regulation, and implement policies and procedures unique to EPA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5449

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5035

RIN: 2030–AA12

2997. ● IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON PROMPT PAYMENT

Legal Authority: EPAAR

CFR Citation: 48 CFR 1532; 48 CFR 1552

Legal Deadline: None

Abstract: Federal Acquisition Circular 84-33, dated February 8, 1988 amended Federal Acquisition Regulations to implement OMB Circular A-125 on prompt payment. This rule will delete existing EPA Acquisition Regulations on prompt payment that is duplicative of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5445

FTS:8-475-9790

P.L. 98-377, Section 302

Agency Contact: Joseph Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 475-9790

RIN: 2030–AA13

EPA—GENERAL

Proposed Rule Stage

2998. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2196.

FTS: 8-475-7799

Agency Contact: Gregory Peck, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 475-7799

RIN: 2040–AB20

2999. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2195.

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, 202 382-5460

RIN: 2020–AA06

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Final Rule Stage

3000. AMENDING EPA ACQUISITION REGULATION RULES REGARDING DISCLOSURE AND USE OF INFORMATION IN PROPOSALS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515

Legal Deadline: None

Abstract: The Federal Acquisition Regulation (FAR) gives federal agencies, including EPA, the authority to use alternate procedures to release proposals outside the Government for evaluation. The authority, however, must appear in agency acquisition regulations implementing the FAR. The effect of this action is to amend the EPA Acquisition Regulation to permit the use of alternate procedures appearing at FAR 15.413-2.

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17578
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2552.

FTS:8-475-7204

Agency Contact: Joseph Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 475-9790

RIN: 2030–AA08

3001. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2218.

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, 202 382-4567

RIN: 2090–AA09

3002. COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Legal Authority: 42 USC 9601 /CERCLA 104(c)

CFR Citation: 40 CFR 304

Legal Deadline: None

Abstract: Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, there are provisions for recovering clean-up costs from responsible parties. In order for the cost recovery provisions to be effective, recipients of Superfund Assistance Agreements must adhere to strict management practices in all aspects of administering the Agreement. Therefore,

EPA—GENERAL

Final Rule Stage

EPA will issue this regulation to set forth all administrative requirements for Superfund Assistance Agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2476.

FTS:8-382-5268

Agency Contact: Richard Johnson, Environmental Protection Agency, Policy Planning and Evaluation, (PM-216), Washington, DC 20460, 202 382-5296

RIN: 2010–AA11

3003. NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

Legal Authority: 42 USC 300j-8 /SDWA 1449

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: These regulations will specify on whom the notice of intent to file suit should be served, the manner of service, where such service should be sent, and the contents of the notice. These regulations are similar to those implementing the notice provisions of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29426
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2307.

FTS:8-382-7706

Agency Contact: Randy Hill, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132W), Washington, D.C. 20460, 202 382-7700

RIN: 2020–AA10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Completed Actions

3004. PROGRAM FRAUD CIVIL REMEDIES

CFR Citation: 40 CFR 27

Completed:

Reason	Date	FR Cite
Final Action	04/27/88	53 FR 15182

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marla Diamond 202 475-6660

RIN: 2020–AA11

3005. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

CFR Citation: 40 CFR 13

Completed:

Reason	Date	FR Cite
Final Action	09/23/88	53 FR 37270
Final Action Effective	10/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Spears 202 382-4548

RIN: 2020–AA01

[FR Doc. 88-22739 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its Semiannual Regulatory Agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 "E" Street, NW., Washington, DC 20507; telephone (202) 634-7581.

SUPPLEMENTARY INFORMATION: The Commission identified thirteen current and projected rulemakings for inclusion in the agenda. Two of the listings have been published as ANPRMS. Two have been published as NPRMS. Six of the listings are currently under development or review by Commission staff. One is currently under review by the Commission. Two listings have been published as final regulations.

Signed in Washington, DC, this 26th day of August, 1988.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3006	Equal Employment in the Federal Government; Processing of Complaints Filed under the Equal Pay Act	3046-AA16
3007	Early Retirement Plans	3046-AA36
3008	Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans	3046-AA37

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3009	Uniform Guidelines on Employee Selection Procedures	3046-AA00
3010	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
3011	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
3012	Equal Employment Opportunity in the Federal Government: Handicap	3046-AA23
3013	Uniform Guidelines on Employee Selection Procedures	3046-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3014	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
3015	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA30
3016	Pension Accruals and Contributions Under ADEA	3046-AA31

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3017	Equal Employment Opportunity in the Federal Government; Mixed Case Complaints	3046-AA14
3018	Interpretative Bulletin on Employee Benefit Plans	3046-AA18

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Prerule Stage

3006. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; PROCESSING OF COMPLAINTS FILED UNDER THE EQUAL PAY ACT

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Legal Deadline: None

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046–AA16

3007. ● EARLY RETIREMENT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26789
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA36

3008. ● POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the addition of sec. 4(g) to the Act and the lifting of the age 70 cap. Accordingly, the Commission is requesting public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26788
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Proposed Rule Stage

3009. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under EO 12067.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal

EEOC

Proposed Rule Stage

Employment Opportunity Commission, 202 634-6592

RIN: 3046–AA00

3010. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046–AA11

3011. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA22

3012. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT: HANDICAP

Significance: Regulatory Program

Legal Authority: 29 USC 701 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Legal Deadline: None

Abstract: The Commission is considering alternative ways of resolving various interpretative issues involving the definition of handicapped persons used in its section 501 regulations. One alternative would be to amend the definitions in the regulation itself. The purpose of these revisions would be to clarify the scope of the definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard D. Komer, Legal Counsel, Equal Employment Opportunity Commission, 202 634-6460

RIN: 3046–AA23

3013. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00, Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, 202 634-6700

RIN: 3046–AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

3014. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under EO 12067, DOJ under EO 12250, and from OMB under EO 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under EO 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under EO 12250.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA10

3015. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 1615, (Proposed)

Legal Deadline: None

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Equal Employment Opportunity Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42450
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination & Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA30

3016. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Final, Statutory, February 1, 1988.
Rule will be completed when the Department of the Treasury completes its regulatory review.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding pension accruals and contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45360
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Completed Actions

3017. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; MIXED CASE COMPLAINTS

CFR Citation: 29 CFR 1613

Completed:

Reason	Date	FR Cite
Final Action	10/30/87	52 FR 41920
Final Action Effective	11/30/87	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo 202 634-6592

RIN: 3046–AA14

3018. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Significance: Agency Priority

CFR Citation: 29 CFR 1625.10

Completed:

Reason	Date	FR Cite
Final Action	06/01/88	53 FR 27360
Final Action Effective	07/20/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary 202 634-7643

RIN: 3046–AA18

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federal register

Monday
October 24, 1988

Part XXIII

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1988 to September 30, 1989.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Susan Kantor Bank, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3973. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1988 to March 31, 1989. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published April 25, 1988 at 53 FR 14416.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: August 24, 1988.

George W. Watson,

Acting General Counsel.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3019	Nondiscrimination in Federally-Assisted Programs	3067-AA00
3020	Individual and Family Grant Program Changes	3067-AA64
3021	Review and Approval of State and Local Emergency Response Plans	3067-AA76
3022	Radiological Emergency Planning and Preparedness	3067-AA77
3023	Permanent Relocation Assistance	3067-AA84
3024	Flood Insurance Rating System Changes	3067-AA98
3025	Criteria for Hurricane Preparedness Assistance to State and Local Governments	3067-AB11
3026	Disaster Assistance: Subpart J (General Insurance Requirements); Subpart K (Flood Insurance Requirements)	3067-AB28
3027	Individual and Family Grant Program; State Plans	3067-AB29
3028	Testimony, Production or Disclosure of Information by FEMA Employees	3067-AB30
3029	Collection of Debts by the Government Under the Debt Collection Act of 1982	3067-AB31
3030	National Flood Insurance Program Changes	3067-AB32
3031	Federal Crime Insurance Program Rate Increase	3067-AB33

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3032	Temporary Relocation Assistance - Superfund	3067-AA72
3033	Disaster Preparedness Assistance	3067-AB05
3034	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14
3035	Nondiscrimination in Federally Assisted Programs on the Basis of Age	3067-AB16
3036	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18
3037	National Flood Insurance Program Payment of Flood Insurance for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB23
3038	National Flood Insurance Program Elevation Requirements for Manufactured Homes	3067-AB25

FEMA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3039	Nondiscrimination on the Basis of Handicap in FEMA	3067-AA42
3040	Community Disaster Loans	3067-AA95
3041	National Flood Insurance Program Redefinition of Coastal High Hazard Area	3067-AB08
3042	National Flood Insurance Program Changes	3067-AB09
3043	Changes in National Flood Insurance Program Commissions to Insurance Agents	3067-AB10
3044	Flood Insurance Subsidized Rate Change	3067-AB12
3045	Changes in NFIP Regulations for Write-Your-Own Program	3067-AB17
3046	National Flood Insurance Program Elevated Building Coverage	3067-AB24
3047	Individual and Family Grant Programs	3067-AB26
3048	Federal Crime Insurance Rate Increases	3067-AB27

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Proposed Rule Stage

3019. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	07/01/89	
Interim Final Rule	10/01/89	
ANPRM	00/00/00	
ANPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John R. Curran, Sr., Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3962

RIN: 3067–AA00

3020. ● INDIVIDUAL AND FAMILY GRANT PROGRAM CHANGES

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 205.54

Legal Deadline: None

Abstract: The following revisions to the regulations are being considered: establishing a group flood insurance policy for all IFG recipients for each flood declaration; reduce the application period for IFG assistance; change references to obsolete forms; reduce the amount of applicant recordkeeping required by States; revise the formula for calculating State administrative costs; and include guidance on current IG audit report procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	05/15/89	
Interim Final Rule	12/15/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donna M. Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3662

RIN: 3067–AA64

3021. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app. 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	
NPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State and Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067–AA76

FEMA

Proposed Rule Stage

3022. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	
NPRM Comment Period End	02/28/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State & Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067–AA77

3023. PERMANENT RELOCATION ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Legal Deadline: None

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	
NPRM Comment Period End	12/01/88	
Final Action	01/15/89	
Final Action Effective	02/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles D. Robinson, Chief, Superfund & Relocation Assistance Br., Disaster Assistance Program, SLPS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3805

RIN: 3067–AA84

3024. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: National Flood Insurance Program premium rating system changes under consideration include a community rating system and a system to use revised FIRMs producing higher rates for existing policyholders, subject to a rate cap. The community rating system would be designed to recognize circumstances within local communities that mitigate or exacerbate the flooding risk, such as the inaction of a community in addressing flood problems or the performance of a community that goes beyond minimum NFIP floodplain management requirements. The use of revised FIRMs for existing policyholders would replace the current practice of allowing premium rates for such policyholders to be based on the map in existence at the time of construction so long as the construction met the requirements at that time.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24482
ANPRM Comment Period End	08/31/87	
NPRM	12/01/89	
NPRM Comment Period End	01/30/90	
Final Action	05/30/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis V. Reilly, Deputy Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2782

RIN: 3067–AA98

3025. CRITERIA FOR HURRICANE PREPAREDNESS ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5131; 50 USC App. 2251 to 2297; EO 12148; EO 12381

CFR Citation: 44 CFR 362

Legal Deadline: None

Abstract: Under PL 93-288, the Federal Emergency Management Agency provides financial and technical assistance to States and local governments in their hurricane preparedness planning. Except for some instances, FEMA has provided 100 percent funding to designated States that have high risk hurricane hazard areas for the development of population preparedness and property protection studies. This proposed rulemaking will establish a plan for having States share the cost of these activities. These changes to 44 CFR 300.6 will affect only the hurricane preparedness portion of this rule; the earthquake hazards reduction portion will be revised in a separate concurrent rulemaking effort.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	
NPRM Comment Period End	01/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Richard Krimm, Assistant Associate Director, Office of Natural & Technological Hazards Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2871

RIN: 3067–AB11

3026. DISASTER ASSISTANCE: SUBPART J (GENERAL INSURANCE REQUIREMENTS); SUBPART K (FLOOD INSURANCE REQUIREMENTS)

Significance: Regulatory Program

Legal Authority: 42 USC 5154; 42 USC 4001

CFR Citation: 44 CFR 205, Subpart J; 44 CFR 205, Subpart K

FEMA

Proposed Rule Stage

Legal Deadline: None

Abstract: To change the rules for general hazard insurance and flood insurance which are required as a condition for receiving Federal assistance under the Disaster Relief Act of 1974, PL 83-288.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45365
ANPRM Comment Period End	01/26/88	52 FR 45365
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Alex Burns, Program Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3670**

RIN: 3067–AB28

3027. ● INDIVIDUAL AND FAMILY GRANT PROGRAM; STATE PLANS

Significance: Regulatory Program

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 205.54

Legal Deadline: None

Abstract: A revision is being proposed to clarify and simplify State planning for the IFG program.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/87	52 FR 39249
ANPRM Comment Period End	12/21/87	
NPRM	11/01/88	
NPRM Comment Period End	01/15/89	
Final Action	05/30/89	
Final Action Effective	06/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes C. Mravcak, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3660**

RIN: 3067–AB29

3028. ● TESTIMONY, PRODUCTION OR DISCLOSURE OF INFORMATION BY FEMA EMPLOYEES

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 44 CFR 5

Legal Deadline: None

Abstract: FEMA regulations governing the production and disclosure of records and information contained in materials generated, developed or held by FEMA will be amended to include guidelines for testimony of employees in response to subpoenas or other official demands. In recent years FEMA employees have been increasingly called upon to provide official testimony in disputes between private litigants. This housekeeping regulation will provide orderly procedures for response to such demands.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	
NPRM Comment Period End	01/30/89	
Final Action	02/15/89	
Final Action Effective	03/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Kantor Bank, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3973**

RIN: 3067–AB30

3029. ● COLLECTION OF DEBTS BY THE GOVERNMENT UNDER THE DEBT COLLECTION ACT OF 1982

Legal Authority: 31 USC 3701 et seq

CFR Citation: 44 CFR 11.30; 44 CFR 205.54(k)(1)

Legal Deadline: None

Abstract: Provides procedures by which the Federal Emergency Management Agency collects debts owed by States, units of local government, and private entities. The revisions to this regulation change the limits of debt collection officers to terminate, suspend or compromise debts. The revisions would increase the period in which States and local governments could pay debts and not be charged interest from 30 to 90 days.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	
NPRM Comment Period End	10/15/88	
Final Action	12/15/88	
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard S. Buck, Program Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4091**

RIN: 3067–AB31

3030. ● NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65; 44 CFR 72

Legal Deadline: None

Abstract: Possible changes to the National Flood Insurance Program regulations include minor modifications to the definitions of the terms "substantial improvement" and "new construction", providing for mapping on the basis of future conditions, clarifying the use of alternative hydraulic or hydrologic methodologies in requests for map revisions, specifying requirements for requests for map revisions for alluvial fan areas, and adjustment of the labor rate charged for processing requests for conditional approval of map changes.

Timetable:

Action	Date	FR Cite
NPRM	02/15/89	
NPRM Comment Period End	04/16/89	
Final Action	08/15/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles M. Plaxico, Chief, Regulations & Underwriting Division, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3422**

RIN: 3067–AB32

FEMA

Proposed Rule Stage

3031. ● FEDERAL CRIME INSURANCE PROGRAM RATE INCREASE

Legal Authority: 12 USC 1749 bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: A Federal Crime Insurance Program premium rate increase is planned.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	
NPRM Comment Period End	01/14/89	
Final Action	04/15/89	
Final Action Effective	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3440**

RIN: 3067–AB33

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

3032. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Legal Deadline: None

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20995
NPRM Comment Period End	08/11/86	
Begin Review	10/01/86	
End Review	04/30/87	
Final Action	10/01/88	
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, **202 646-3807**

RIN: 3067–AA72

3033. DISASTER PREPAREDNESS ASSISTANCE

Legal Authority: 42 USC 5121 et seq; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 300

Legal Deadline: None

Abstract: This regulation revises and makes technical corrections to the regulations governing assistance under Title II of the Disaster Relief Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 26746
NPRM Comment Period End	09/12/88	
Final Action	10/15/88	
Final Action Effective	11/15/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Gregory S. Jones, Emergency Management Specialist, Federal Emergency Management Agency, Off. of Disaster Assistance Programs, State & Local Programs Directorate, 500 C Street, SW, Washington, DC 20472, **202 646-3668**

RIN: 3067–AB05

3034. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC app 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None

Abstract: Changes within existing regulation to delete one allocation formula factor.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32140
NPRM Comment Period End	10/26/87	52 FR 32140
Interim Final Rule	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John McKay, Chief, Emergency Management Systems Development Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4252**

RIN: 3067–AB14

3035. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS ON THE BASIS OF AGE

Legal Authority: 42 USC 6103

CFR Citation: 44 CFR 7, Subpart E

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 922
NPRM Comment Period End	03/14/88	53 FR 922
Final Action	01/15/89	
Final Action Effective	03/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Alan Clive, Equal Employment Manager, Federal Emergency Management Agency, 500 C

FEMA **Final Rule Stage**

Street, SW, Washington, DC 20472, 202 646-3957

RIN: 3067–AB16

3036. COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-38 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/88	
ANPRM Comment Period End	06/15/88	
Interim Final Rule	09/01/88	
Interim Final Rule Public comment period end	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy J. Holt, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3505

RIN: 3067–AB18

3037. NATIONAL FLOOD INSURANCE PROGRAM PAYMENT OF FLOOD INSURANCE FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provides a new benefit to National Flood Insurance Program Policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate State and local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA plans to commission an investigation through the National Academy of Sciences (expected to take approximately 15 months) to provide a basis for regulations defining "imminent collapse" certification criteria and erosion zone management measures. In the meantime, FEMA is considering issuing interim administrative regulations dealing with other aspects of providing new benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald F. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067–AB23

3038. NATIONAL FLOOD INSURANCE PROGRAM ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60

Legal Deadline: None

Abstract: Revisions to National Flood Insurance Program regulations regarding the elevation of manufactured homes placed in existing mobile home parks and subdivisions in special flood hazard areas that were effective October 1, 1986, were suspended effective June 30, 1987. There are three possible options: (1) lifting the suspension so that the October 1, 1986, revisions go back into effect; (2) continuing the suspension indefinitely; or (3) making some revisions different from the October 1, 1986 revisions.

Timetable:

Action	Date	FR Cite
NPRM	05/31/88	
NPRM Comment Period End	07/30/88	
Final Action	07/01/89	
Final Action Effective	08/01/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Michael F. Robinson, Chief, Program Policy & Compliance Div., Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2717

RIN: 3067–AB25

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3039. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA

CFR Citation: 44 CFR 16

Completed:

Reason	Date	FR Cite
Final Action	07/08/88	53 FR 25872
Final Action Effective	09/06/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John R. Curran, Sr. 202 646-3962

RIN: 3067–AA42

3040. COMMUNITY DISASTER LOANS

CFR Citation: 44 CFR 205, Subpart F

Completed:

Reason	Date	FR Cite
Final Action	04/18/88	53 FR 12681
Final Action Effective	05/18/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Gene Morath 202 646-3683

RIN: 3067–AA95

3041. NATIONAL FLOOD INSURANCE PROGRAM REDEFINITION OF COASTAL HIGH HAZARD AREA

Significance: Regulatory Program

CFR Citation: 44 CFR 59

Completed:

Reason	Date	FR Cite
Final Action	05/06/88	53 FR 16269
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Brian R. Mrazik 202 646-2766

RIN: 3067–AB08

3042. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 72

Completed:

Reason	Date	FR Cite
Final Action	05/06/88	53 FR 16269
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067–AB09

3043. CHANGES IN NATIONAL FLOOD INSURANCE PROGRAM COMMISSIONS TO INSURANCE AGENTS

CFR Citation: 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	04/28/88	53 FR 15219
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067–AB10

3044. FLOOD INSURANCE SUBSIDIZED RATE CHANGE

Significance: Regulatory Program

CFR Citation: 44 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	06/09/88	53 FR 23629
Final Action Effective	09/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Leikin 202 646-2784

RIN: 3067–AB12

3045. CHANGES IN NFIP REGULATIONS FOR WRITE-YOUR-OWN PROGRAM

CFR Citation: 44 CFR 61; 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	04/28/88	53 FR 15208
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067–AB17

3046. NATIONAL FLOOD INSURANCE PROGRAM ELEVATED BUILDING COVERAGE

CFR Citation: 44 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	07/26/88	53 FR 27989
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Collins 202 646-3419

RIN: 3067–AB24

3047. INDIVIDUAL AND FAMILY GRANT PROGRAMS

Significance: Regulatory Program

CFR Citation: 44 CFR 205.54

Completed:

Reason	Date	FR Cite
No action expected in next 12 months	08/26/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes C. Mravcak 202 646-3660

RIN: 3067–AB26

3048. FEDERAL CRIME INSURANCE RATE INCREASES

CFR Citation: 44 CFR 80; 44 CFR 82; 44 CFR 83

Completed:

Reason	Date	FR Cite
Final Action	04/06/88	53 FR 11275
Final Action Effective	05/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel 202 646-3440

RIN: 3067–AB27

[FR Doc. 88-20668 Filed 10-21-88; 8:45 am]

BILLING CODE 6718-21-T

federal register

Monday
October 24, 1988

Part XXIV

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from October 1988 to April 1989. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Legal Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653-5305.

Dated: September 9, 1988.

Kay McMurray,

Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Final Rule Stage

3049. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR 1404. The Service has completed its initial draft and is presently analyzing comments received. A final rule will be published soon.

Timetable:

Action	Date	FR Cite
NPRM	04/20/88	53 FR 12952
NPRM Comment Period End	06/30/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC 20427, 202 653-5305

RIN: 3076–AA01

[FR Doc. 88-21381 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXV

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 105, and 201

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1988. This agenda was developed under the guidelines in OMB Bulletin 88-15, dated June 24, 1988. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

Dated: August 26, 1988.

John Alderson,

Acting Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3050	Federal Property Management Regulations; Annual Real Property Inventories	3090-AC74

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3051	Contract Closeout Procedures (GSAR 5-96)	3090-AC67
3052	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3053	Update of Governmentwide Telecommunications Policies and Regulations	3090-AB08
3054	Establishment of Policies and Procedures for Federal Agencies' Management of Electronic Recordkeeping, Project 86.83A	3090-AC54
3055	FIRMR Improvement Project	3090-AD04
3056	Restructuring and Simplification of Federal Information Resources Management Standards	3090-AD21
3057	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3058	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3059	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
3060	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
3061	Miscellaneous Changes on the Acquisition of Leasehold Interests in Real Property (GSAR 5-155)	3090-AC59
3062	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3063	Multiyear Contracts and Contracts with Options (GSAR 5-106)	3090-AC68
3064	Small Business Subcontracting Plans (GSAR 5-122)	3090-AC69
3065	General Services Administration Acquisition Regulation (GSAR) Proposed Rule, Utility Contracts, GSAR Case 5-65	3090-AD10
3066	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3067	National Defense Stockpile Disposal Regulations	3090-AA40
3068	Reporting of Excess Real Property - Asbestos	3090-AD05
3069	Responsibility of disposal agency; disposals to public agencies	3090-AD28
3070	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3071	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3072	Revision of Standard Form 1170, Redemption of Unused Tickets	3090-AD13
3073	Use of EDI within the Dept. of Defense as an alternative to Government Bills of Lading for procuring freight transportation services for the Government	3090-AD27
3074	Revision of ADPE Reutilization Policies and Procedures Including Instructions for SF 120, Project 86.14A	3090-AC25
3075	Office Equipment Accessibility for the Handicapped	3090-AD02
3076	Implementation of Title VIII, Paperwork Reduction Reauthorization Act of 1986, P.L. 99-500 Regarding Automatic Data Processing Equipment	3090-AD03

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3077	Mandatory Federal Telecommunications Systems (FTS) 2000 Network (FIRMR Interim Rule 1)	3090-AD20
3078	Information Resources Management Reviews Codification Amendment for FIRMR Temporary Regulation 10	3090-AD22

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3079	Supply Sources and Related Programs	3090-AA89
3080	General Services Administration Acquisition Regulation (GSAR) Miscellaneous Changes, Change 51 (GSAR 5-83)	3090-AB86
3081	Buy American Act - Construction Materials Change 53 (GSAR 5-131)	3090-AC37
3082	Federal Procurement Data System (FPDS) Reporting Requirements (GSAR 5-113)	3090-AC56
3083	General Services Administration Acquisition Regulation (GSAR) Acquisition Circular, AC-87-4, Increase in Thresholds for Contracting Office Warrant Program & Imprest Funds Trans	3090-AD11
3084	General Services Administration Acquisition Regulation, Use of SF-30 for Additional Awards to an Offeror Under a Single Contract Change 55 (GSAR 5-180)	3090-AD23
3085	General Services Administration Acquisition Regulation (GSAR), Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era, Change 54, (GSAR 5-210)	3090-AD24
3086	General Services Administration Acquisition Regulation (GSAR) Trade Agreements Act Threshold, Change 52 (GSAR 5-209)	3090-AD25
3087	General Services Administration Acquisition Regulation Acquisition Circular AC-88-1, Prompt Payment and Ratification of Unauthorized Commitments, GSAR 5-208A	3090-AD26
3088	Audit Procedures for Commercial Bills of Lading- Cost-Reimbursement-Type Contracts	3090-AC20
3089	Donation of Personal Property	3090-AA23
3090	Acquisition and Use of Excess Personal Property	3090-AA30
3091	Utilization, Donation, and Disposal of Foreign Gifts and Decorations	3090-AC85
3092	Prepayment Transportation Audit Procedures	3090-AC92
3093	Change to Federal Travel Regulations (FTR), FPMR 101-7, FPMR A-40 Supplement 27	3090-AC93
3094	Revision of Standard Form 1169, U.S. Government Transportation Request	3090-AD12
3095	Removal of the Federal Travel Regulations from the Federal Property Management Regulations System	3090-AD19

GENERAL SERVICES ADMINISTRATION (GSA) — Prerule Stage

PUBLIC BUILDINGS SERVICE

3050. FEDERAL PROPERTY MANAGEMENT REGULATIONS; ANNUAL REAL PROPERTY INVENTORIES

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reduction and utilization improvement initiatives mandated in Executive Order 12411--Government Work Space Management Reform--and FPMR Temporary Regulation D-73-- Quality Workplace Environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Judy Maretta, Director, Governmentwide Policy Div., General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight (PG), Washington, DC 20405, 202 566-0507

RIN: 3090-AC74

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

ACQUISITION POLICY

3051. CONTRACT CLOSEOUT PROCEDURES (GSAR 5-96)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 504

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulations (GSAR) will be amended to implement one of the recommendations resulting from a Federal Procurement Reform study under Executive Order 12352 by providing agency procedures in Part 504.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC67

OFFICE OF THE COMPTROLLER

3052. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor governmentwide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Bobby Daniel, Accounting Specialists, General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight(PG), Washington, DC 20405, 202 566-1426

RIN: 3090–AB31

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3053. UPDATE OF GOVERNMENTWIDE TELECOMMUNICATIONS POLICIES AND REGULATIONS

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-21; 41 CFR 201-23; 41 CFR 201-38; 41 CFR 201-39; 41 CFR 201-41

Legal Deadline: None

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Governmentwide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35736
NPRM Comment Period End	11/23/87	52 FR 35736
NPRM FIRMR Amendment	12/00/88	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AB08

3054. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Legal Deadline: None

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish governmentwide policies and procedures for the management of electronic recordkeeping. Specifically responsibilities for the creation, maintenance, use, and disposition of electronic records will be prescribed.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn A. Thomas, Program Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AC54

3055. FIRMR IMPROVEMENT PROJECT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: In response to recommendations by users of the FIRMR to revise the regulation to make it more readable and useful, GSA plans to restructure the FIRMR during the

next few years. This restructuring will include: the separation of policies and procedures, the separation of contracting from management and use provisions, the reorganization of FIRMR contracting provisions for consistency with the Federal Acquisition Regulations, and the reorganization of the FIRMR's management and use provisions into a life cycle format. As the final draft of each subchapter is completed, GSA will seek public comment on the subchapter through a notice of proposed rulemaking. Subchapter E, which deals with acquisition, will be completed first and, if possible, issued as a final rule before publication of the entire FIRMR. An advanced notice of proposed rulemaking describing the project was published in the Federal Register in January 1988. The next planned action is a notice of proposed rulemaking for revised FIRMR Part 39. This action will consolidate all FIRMR contracting policies and procedures for acquiring ADP and telecommunications resources into a single part, consistent with the FAR.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/88	53 FR 620
ANPRM Comment Period End	03/11/88	53 FR 620
NPRM	10/00/88	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Mullins, Chief, Policy Branch, General Services Administration, GSA, IRMS/KMPR, Washington, D.C. 20405, 202 535-7462

RIN: 3090–AD04

3056. ● RESTRUCTURING AND SIMPLIFICATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT STANDARDS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-8; 41 CFR 201-13; 41 CFR 201-39

Legal Deadline: None

Abstract: This project revises the FIRMR to simplify provisions on the use and implementation of Federal automatic data processing and telecommunications standards. It results in major changes in the regulatory coverage and presentation of FIRMR provisions on standards. The intent is to remove redundant and nonregulatory provisions from the FIRMR that may be found in other agency issuances and to reorganize provisions, consistent with the FAR so that users may more readily locate standards provisions relevant to their particular need.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich, Computer Specialist/Chief, Reg. Branch, General Services Administration, Regulations Branch (KMPR), 18th and F St., Washington, DC 20405, 202 566-0194

RIN: 3090–AD21

OFFICE OF ORGANIZATION AND PERSONNEL

3057. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation. Employment Opportunity Commission. The Department of Justice's comments on regulation with respect to GSA's role as the Federal Government landlord have been received. Comments regarding the program portion of the regulation have not been received. Comments regarding the program portion of the regulation were received on June 4, 1987 from the Department of Justice (DOJ). Reconciling of comments with Public Building Services and DOJ is presently occurring.

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC48

3058. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

GSA

Proposed Rule Stage

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC49

GENERAL SERVICES ADMINISTRATION (GSA)

Final Rule Stage

ACQUISITION POLICY

3059. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Legal Deadline: None

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090–AB82

3060. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Legal Deadline: None

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
NPRM	08/17/87	52 FR 30694

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margorie Ashby, Management Analyst Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090–AB83

3061. MISCELLANEOUS CHANGES ON THE ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (GSAR 5-155)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to codify in the regulation the revised contract clauses approved for use in lease contracts.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC59

3062. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC61

3063. MULTIYEAR CONTRACTS AND CONTRACTS WITH OPTIONS (GSAR 5-106)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 517

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the deviation from FAR 52.217-1, Limitations of Price and Contractor Qualifications and FAR 52.217-2, Cancellation of Items; and to consider the applicability of FAR Part 17 to

Federal Supply Service multiyear contracts and contracts with options.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC68

3064. SMALL BUSINESS SUBCONTRACTING PLANS (GSAR 5-122)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 519

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to include information and instructions regarding various types and need for subcontracting plans; and to insert a reference to reflect the applicability of Subpart 519.7 to leases of real property in Section 501.103(b).

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC69

3065. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) PROPOSED RULE, UTILITY CONTRACTS, GSAR CASE 5-65

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 508; 48 CFR 513

Legal Deadline: None

Abstract: This proposed General Services Administration Acquisition Regulation will revise Part 508 to clarify the Federal Acquisition Regulation definition of utility services, to prescribe policies governing the acquisition of utility services, to prescribe procedures for precontract review for utility contracts, to provide for annual rate reviews, to provide for use of GSA forms for acquiring utility services; and to revise Part 553 to illustrate GSA Forms 1533, Utilities Contract; 1683, Negotiated Electric Utility Contract, and 1684, Technical Provisions (Electric Utility Contract).

Timetable:

Action	Date	FR Cite
NPRM	12/24/87	52 FR 48729
Final Action	10/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA, Off. of GSA Aquisition Policy and Regs., 18th & F Streets, NW 20405, Washington, D.C., 202 523-3822

RIN: 3090–AD10

OFFICE OF THE COMPTROLLER

3066. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	10/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gracie Jones, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, 202 786-3007

RIN: 3090–AB69

FEDERAL PROPERTY RESOURCES SERVICE

3067. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98; EO 12155

CFR Citation: 41 CFR 101-14.4

Legal Deadline: None

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	06/30/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Agency Contact: J. Wayne Kulig, Assistant Commissioner, General Services Administration, Office of National Defense Stockpile (DN), Washington, DC 20405, 202 535-7671

RIN: 3090–AA40

3068. REPORTING OF EXCESS REAL PROPERTY - ASBESTOS

Legal Authority: 40 USC 483(b)

CFR Citation: 41 CFR 101-47.202-2

Legal Deadline: None

Abstract: 41 CFR 101-47.200, 41 CFR 101-47.202-2, 41 CFR 101-47.202-7, 41 CFR 101-47.304-5, and 41 CFR 101-47.304-47.304-13 are to be amended to require that specific information concerning asbestos contamination be included in all reports of excess real property.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/88	53 FR 4672
NPRM	02/17/88	53 FR 4672

GSA — Final Rule Stage

Action	Date	FR Cite
Final Action Effective	10/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), General Services Administration, 18th & F Streets, NW, Washington, D.C. 20405, 202 535-7052

RIN: 3090–AD05

3069. ● RESPONSIBILITY OF DISPOSAL AGENCY; DISPOSALS TO PUBLIC AGENCIES

Legal Authority: 40 USC 484

CFR Citation: 41 CFR 101-47.303-2

Legal Deadline: None

Abstract: 41 CFR 101-47.303-2 generally requires that notice of Federal real property surplus determinations be given to non-Federal public agencies except when particular real property has an estimated fair market value of less than $1,000. A temporary regulation is to be issued to provide that no notice of surplus determination need be given when the affected property has an estimated fair market value of less than $15,000 unless the disposal agency has reason to believe that an eligible public agency may be interested in acquiring the property.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), General Services Administration, 18th & E Streets, Washington, DC 20405, 202 535-7052

RIN: 3090–AD28

FEDERAL SUPPLY AND SERVICES

3070. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA24

3071. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA42

3072. REVISION OF STANDARD FORM 1170, REDEMPTION OF UNUSED TICKETS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None

Abstract: The current Standard Form (SF) 1170, Redemption of Unused Tickets, format is not suitable for automated preparation. This rule proposes to make the SF 1170 available in electronic data processing (EDP) format to facilitate form preparation on either a typewriter or an automated printer.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19946

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn West, Transportation Specialist, General Services Administration, GSA/FWCP/R, 18th & F Streets, NW, Washington, D.C., 202 786-3005

RIN: 3090–AD13

3073. ● USE OF EDI WITHIN THE DEPT. OF DEFENSE AS AN ALTERNATIVE TO GOVERNMENT BILLS OF LADING FOR PROCURING FREIGHT TRANSPORTATION SERVICES FOR THE GOVERNMENT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None

Abstract: This temporary regulation modifies Federal Property Management Regulations by permitting the Department of Defense to immediately implement Electronic Data Interchange (EDI) to document and provide for carrier billings for freight transportation services in an electronic environment as an alternative to the Government Bill of Lading (SF 1103).

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

GSA

Final Rule Stage

Agency Contact: John Sandford, Chief, Regulations, Procedures, and Review, Branch (FWCP), General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 786-3065

RIN: 3090–AD27

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3074. REVISION OF ADPE REUTILIZATION POLICIES AND PROCEDURES INCLUDING INSTRUCTIONS FOR SF 120, PROJECT 86.14A

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201 to 33

Legal Deadline: None

Abstract: This regulation delegates to agencies authority and responsibility for interagency screening of excess and exchange/sale ADPE with an original acquisition cost (OAC) below $1,000,000. A recent analysis of the ADPE reported to GSA for interagency reuse during the last two years revealed that there is a minimum amount of savings to be realized for the reuse of ADPE with an OAC under $1,000,000. Additionally, these savings are further reduced when the costs of nationwide interagency screening are considered.

Timetable:

Action	Date	FR Cite
NPRM	04/07/88	53 FR 11518
NPRM Comment Period End	05/09/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich, Computer Specialist/Chief, Reg. Branch, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington DC 20405, 202 566-0194

RIN: 3090–AC25

3075. OFFICE EQUIPMENT ACCESSIBILITY FOR THE HANDICAPPED

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: The Rehabilitation Act of 1973, as amended (P.L. 99-506), directs GSA to adopt Governmentwide guidelines on electronic equipment accessibility. GSA will issue a informational FIRMR bulletin describing procedures agencies should follow in acquiring equipment for employees with disabilities and the types of equipment or strategies that can be used to make this technology more useable by disabled employees. This project will result in regulatory changes to the FIRMR to reflect special procedures managers must follow to ensure equipment accessibility for the disabled.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 26610
NPRM Comment Period End	08/15/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich, Computer Specialist/Chief, Regulations Brch, General Services Administration, GSA, IRMS/KMPR, Washington, D.C. 20405, 202 566-0194

RIN: 3090–AD02

3076. IMPLEMENTATION OF TITLE VIII, PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1986, P.L. 99-500 REGARDING AUTOMATIC DATA PROCESSING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Legal Deadline: None

Abstract: This regulation implements certain selected portions of the Paperwork Reduction Reauthorization Act of 1986. Among the other changes, it clarifies the applicability of the FIRMR to the management acquisition, and use of various information resources by Federal agencies. The amendment prescribes FIRMR policies and procedures for use in determining whether any particular procurement must be conducted under GSA's exclusive procurement authority. It also streamlines the Delegations Program by establishing uniform procedures, uniform blanket delegations of procurement authority, Agency Procurement Requests for all ADP and telecommunications resources.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30706
NPRM Comment Period End	09/23/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulation Branch, General Services Administration, GSA, IRMS/KMPR, Washington, D.C. 20405, 202 566-0194

RIN: 3090–AD03

3077. ● MANDATORY FEDERAL TELECOMMUNICATIONS SYSTEMS (FTS) 2000 NETWORK (FIRMR INTERIM RULE 1)

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-41

Legal Deadline: None

Abstract: FIRMR Interim Rule 1 is intended to implement the FTS 2000 network provisions contained in the Conference Report to Pub. L. 100-202, dated December 22, 1987. Specifically, the rule provides for mandatory use of the FTS 2000 system when switched voice service is available on that network. Written exceptions to the application of the rule are required beginning October 1, 1988, for procurement planning purposes. Previous regulatory exclusions prescribed in FIRMR 201-1.103(c) are voided. GSA will review and update existing exclusionary agreements with concerned agencies at their request

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/88	53 FR 28638

GSA

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Public Comment Period End	08/29/88	
Interim Final Rule Effective Date	10/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William B. Loy, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Sts., Washington, DC 20405, 202 566-0194

RIN: 3090–AD20

3078. ● INFORMATION RESOURCES MANAGEMENT REVIEWS CODIFICATION AMENDMENT FOR FIRMR TEMPORARY REGULATION 10

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-19

Legal Deadline: None

Abstract: This project revises the FIRMR by codifying and certifying certain provisions contained in FIRMR Temporary Regulation 10 regarding the Federal Information Resources Management Reviews Program (triennial reviews). Temporary Regulation 10 describes the policies and procedures for GSA - Federal agencies to follow in carrying out their information resources management review responsibilities under the Paperwork Reduction Act. It also established GSA as the primary agency for collecting, assessing, and reporting on information resources management review results to OMB. This amendment will codify those Governmentwide policies and mandatory procedures for triennial reviews in the FIRMR.

Timetable:

Action	Date	FR Cite
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn Thomas, Regulatory Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, Washington, DC 20405, 202 566-0194

RIN: 3090–AD22

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

3079. SUPPLY SOURCES AND RELATED PROGRAMS

CFR Citation: 41 CFR 101-26

Completed:

Reason	Date	FR Cite
Withdrawn	07/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert A. Renner 703 557-1256

RIN: 3090–AA89

3080. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) MISCELLANEOUS CHANGES, CHANGE 51 (GSAR 5-83)

CFR Citation: 48 CFR 501

Completed:

Reason	Date	FR Cite
Final Action	01/05/88	53 FR 130
Final Action Effective	01/22/88	53 FR 130

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AB86

3081. BUY AMERICAN ACT - CONSTRUCTION MATERIALS CHANGE 53 (GSAR 5-131)

CFR Citation: 48 CFR 525; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	03/24/88	53 FR 9629
Final Action Effective	03/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AC37

3082. FEDERAL PROCUREMENT DATA SYSTEM (FPDS) REPORTING REQUIREMENTS (GSAR 5-113)

CFR Citation: 48 CFR 504; 48 CFR 553

Completed:

Reason	Date	FR Cite
Withdrawn	07/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AC56

3083. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) ACQUISITION CIRCULAR, AC-87-4, INCREASE IN THRESHOLDS FOR CONTRACTING OFFICE WARRANT PROGRAM & IMPREST FUNDS TRANS

CFR Citation: 48 CFR 501; 48 CFR 513

Completed:

Reason	Date	FR Cite
Final Action	01/05/88	53 FR 132
Final Action Effective	01/23/88	53 FR 132

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AD11

3084. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, USE OF SF-30 FOR ADDITIONAL AWARDS TO AN OFFEROR UNDER A SINGLE CONTRACT CHANGE 55 (GSAR 5-180)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 514; 48 CFR 515

Legal Deadline: None

Abstract: General Services Administration Acquisition Regulation

(GSAR) was amended to add sections 514.407-1 and 515.414 to prescribe the Standard Form 30, Amendment of Solicitation/Modification of Contract, for use in making additional awards to an offeror under a single solicitation and to provide the regulatory authority for such awards.

Timetable:

Action	Date	FR Cite
NPRM	01/28/88	53 FR 2515
NPRM Comment Period End	02/29/88	53 FR 2515
Final Action	05/19/88	53 FR 17949
Final Action Effective	05/27/88	53 FR 17949

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA (VP), 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD23

3085. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR), EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA, CHANGE 54, (GSAR 5-210)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) was amended to revise the matrixes in sections 552.230-70 and 552.370 to add a reference to the FAR clause at 52.222-37, Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era. In addition, the reference to the FAR clause at 52.222-28, Equal Opportunity Preaward Clearance of Subcontracts, was deleted from the matrix at 552.370. Acquisition Circular AC-87-2 was canceled.

Timetable:

Action	Date	FR Cite
Final Action	05/19/88	53 FR 17949
Final Action Effective	05/27/88	53 FR 17949

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA (VP), 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD24

3086. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) TRADE AGREEMENTS ACT THRESHOLD, CHANGE 52 (GSAR 5-209)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 553

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation was amended to revise section 525.402 to reflect the new threshold for procurements subject to the Trade Agreements Act and to reflect current organization titles; section 553-370-3503 is revised to illustrate the December 1987 edition of the GSA Form 3503, Representations and Certifications and section 553-370-3521 is revised to illustrate the December 1987 edition of the GSA Form 3521, Blanket Purchase Agreement.

Timetable:

Action	Date	FR Cite
Final Action	02/12/88	53 FR 4169
Final Action Effective	02/14/88	53 FR 4169

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA (VP), 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD25

3087. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION ACQUISITION CIRCULAR AC-88-1, PROMPT PAYMENT AND RATIFICATION OF UNAUTHORIZED COMMITMENTS, GSAR 5-208A

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 532; 48 CFR 552

Legal Deadline: None

Abstract: This Acquisition Circular temporarily amended Parts 501, 532 and 552 of the General Services Administration Acquisition Regulation to implement and supplement the Federal Acquisition Regulation (FAR) requirements on the ratification of unauthorized commitments; to add material to prescribe constructive acceptance or approval periods for recurring building services, supplies and other nonpersonal services, construction, architect-engineer and other professional services; to add and prescribe a Payments by Electronic Funds Transfer clause for use in solicitations and contracts when payments may be made by GSA and other agencies; to add and prescribe a Prompt Payment clause for Acquisition of leasehold interests in real property; and to make other miscellaneous changes for clarity.

Timetable:

Action	Date	FR Cite
Final Action	03/08/88	53 FR 7365
Final Action Effective	03/08/88	53 FR 7365

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Managment Analyst, General Services Administration, GSA (VP), 18th & F Streets, Washington, DC 20405, 202 523-3822

RIN: 3090–AD26

3088. AUDIT PROCEDURES FOR COMMERCIAL BILLS OF LADING-COST-REIMBURSEMENT-TYPE CONTRACTS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	05/12/88	53 FR 16876

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn F. West 202 786-3025

RIN: 3090–AC20

3089. DONATION OF PERSONAL PROPERTY

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41

CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Completed:

Reason	Date	FR Cite
Final Action	05/05/88	53 FR 16089

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley M. Duda 703 557-1240

RIN: 3090–AA23

3090. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

CFR Citation: 41 CFR 101-43

Completed:

Reason	Date	FR Cite
Final Action	05/05/88	
Final Action Effective	05/05/88	53 FR 16089

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Stanley M. Duda 703 557-1240

RIN: 3090–AA30

3091. UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

CFR Citation: 41 CFR 101-49

Completed:

Reason	Date	FR Cite
Final Action	04/19/88	
Final Action Effective	04/19/88	53 FR 12766

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Stanley M. Duda 703 557-1240

RIN: 3090–AC85

3092. PREPAYMENT TRANSPORTATION AUDIT PROCEDURES

CFR Citation: 41 CFR 101

Completed:

Reason	Date	FR Cite
Final Action	07/05/88	53 FR 25162

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John W. Sandfort 202 786-3065

RIN: 3090–AC92

3093. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, FPMR A-40 SUPPLEMENT 27

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	05/12/88	53 FR 16899

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090–AC93

3094. REVISION OF STANDARD FORM 1169, U.S. GOVERNMENT TRANSPORTATION REQUEST

CFR Citation: 41 CFR 101

Completed:

Reason	Date	FR Cite
Canceled because rulemaking action not necessary	07/27/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn West 202 786-3005

RIN: 3090–AD12

3095. REMOVAL OF THE FEDERAL TRAVEL REGULATIONS FROM THE FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	06/29/88	53 FR 24449

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Audrey Rish 202 557-7525

RIN: 3090–AD19

[FR Doc. 88-20669 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from October 1988 through September 1989. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Assistant to the Executive Director for Management, (202) 653-8900.

Dated: August 17, 1988.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Prerule Stage

3096. PART 1205 - PRIVACY ACT

Legal Authority: 5 USC 552a Privacy Act

CFR Citation: 5 CFR 1205

Legal Deadline: None

Abstract: Pursuant to 5 USC 552a(f), the Board is required to promulgate regulations pursuant to notice and receipt of public comment establishing procedures for responding to individual requests for access to records covered by the Privacy Act; for the amendment of records covered by the Act and for appeals of adverse rulings on such requests; and for fees to be charged for copying requested records. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	09/00/87	
End Review	12/00/88	
Republish in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, **202 653-7200**

RIN: 3124–AA05

3097. PART 1206 - OPEN MEETINGS

Legal Authority: 5 USC 552b Government in the Sunshine Act

CFR Citation: 5 CFR 1206

Legal Deadline: None

Abstract: Pursuant to 5 USC 552b, the Board is required to promulgate regulations, pursuant to notice and receipt of public comment, establishing procedures by which it will conduct open meetings. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	12/00/88	
Republish in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, **202 653-7200**

RIN: 3124–AA06

3098. PART 1203 - HEARING PROCEDURES FOR ORIGINAL JURISDICTION CASES

Legal Authority: 5 USC 1205(a)(4); 5 USC 1205(e); 5 USC 1205(g)

CFR Citation: 5 CFR 1203.1 to 1203.18

Legal Deadline: None

Abstract: The Board proposes to review the regulations in this part to ensure that these regulations are easily understood by all persons. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	12/00/88	
Publish regulations in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Paul D. Mahoney, Assistant to the Executive Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124–AA07

3099. PART 1204 - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 1204.1 to 1204.22

Legal Deadline: None

Abstract: The Board issued interim final regulations in 52 FR 28123, July 28, 1987. The interim regulations became final regulations on December 1, 1987, in 52 FR 45597. The Board proposes to monitor these regulations carefully to ensure that they are easily understood. If indicated by the review, the Board plans to rewrite them in "plain English."

MSPB — Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	08/00/87	
End Review	12/00/88	
Republish in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-7200**

RIN: 3124–AA08

3100. PART 1207 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99

Legal Deadline: None

Abstract: The Board published final regulations in 53 FR 25880, July 8, 1988. The Board plans to monitor those regulations carefully to ensure that they are easily understood. If indicated by the review, the Board plans to rewrite them in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	07/00/88	
End Review	12/00/88	
Publish regulations in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Robert U. Hernandez, Director, Equal Employment Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-6180**

RIN: 3124–AA09

3101. PART 1201 - PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.199

Legal Deadline: None

Abstract: The Board proposes to review the regulations in this part to ensure that these regulations are easily understood by all persons appearing before the Board. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	12/00/88	
Publish regulations in "plain English"	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Paul D. Mahoney, Assistant to the Executive Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124–AA10

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Completed Actions

3102. PART 1207 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Completed:

Reason	Date	FR Cite
Final Action	07/08/88	53 FR 25880
Final Action Effective	07/08/88	53 FR 25880

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert U. Hernandez **202 653-6180**

RIN: 3124–AA01

3103. PART 1200 - BOARD ORGANIZATION

CFR Citation: 5 CFR 1200

Completed:

Reason	Date	FR Cite
Final Action	06/16/88	53 FR 22465
Final Action Effective	06/16/88	53 FR 22465

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney **202 653-8900**

RIN: 3124–AA04

[FR Doc. 88-20670 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, General Management Division (Code NPN), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 88-15, "Unified Agenda of Federal Regulations for October 1988," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

John F. Duggan,

Director, General Management Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3104	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3105	Space Transportation System; Mementos Aboard Space Shuttle Flights	2700-AA18
3106	Space Transportation System; Nonscientific Payloads	2700-AA19
3107	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign Etc	2700-AA45
3108	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3109	Payload Specialists for NASA or NASA Related Payloads	2700-AA52
3110	Extraterrestrial Exposure	2700-AA53
3111	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3112	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3113	Freedom of Information Act Submitter Notice	2700-AA74
3114	National Space Grant College and Fellowship Program	2700-AA75
3115	Policy On The Protection Of Human Subjects	2700-AA76
3116	Care and Use of Animals in the Conduct of NASA Activities	2700-AA78

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3117	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3118	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3119	NASA Information Security Program	2700-AA05
3120	Delegation of Authority to Make Determinations in Original Classification Matters	2700-AA06
3121	Inspection of Persons and Personal Effects on NASA Property	2700-AA20
3122	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3123	Emergency Personnel Security Adjudication and Procedures	2700-AA31
3124	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs	2700-AA32
3125	Source Evaluation Board Manual	2700-AA39
3126	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3127	Duty-Free Entry of Space Articles	2700-AA62
3128	NASA Information Security Program Committee	2700-AA64

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
3129	Major System Acquisitions	2700-AA38
3130	Broad Agency Announcements	2700-AA65
3131	Statement of Organization and General Information	2700-AA72
3132	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	2700-AA77
3133	Plant Clearance Costs	2700-AA79

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3104. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 1"

Legal Deadline: None

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA14

3105. SPACE TRANSPORTATION SYSTEM; MEMENTOS ABOARD SPACE SHUTTLE FLIGHTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 6"

Legal Deadline: None

Abstract: Clarifies policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wanda J. Dockery, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1923

RIN: 2700–AA18

3106. SPACE TRANSPORTATION SYSTEM; NONSCIENTIFIC PAYLOADS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214 "Subpart 16"

Legal Deadline: None

Abstract: Sets forth the policy on the services provided by NASA for the launch of nonscientific payloads aboard the Space Shuttle.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Pedersen, Office of External Relations, Code X, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8305

RIN: 2700–AA19

3107. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214, "Subpart 1"; 14 CFR 1214, "Subpart 2"

Legal Deadline: None

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA45

3108. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1); 42 USC 2473(b)(3); 42 USC 2473(b)(5); 42 USC 2473(b)(6); 42 USC 2473(b)(14)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700–AA47

3109. PAYLOAD SPECIALISTS FOR NASA OR NASA RELATED PAYLOADS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 72 Stat 429 as amended; PL 87-624, Sec 201(b); 47 USC 721(b) 76 Stat 421

CFR Citation: 14 CFR 1214, "Subpart 3"

Legal Deadline: None

Abstract: Revises existing regulation to reflect current practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willis H. Shapley, Office of the Administrator, Code ADA, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1022**

RIN: 2700–AA52

3110. EXTRATERRESTRIAL EXPOSURE

Legal Authority: 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1530**

RIN: 2700–AA53

3111. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205, "Subpart 1"

Legal Deadline: None

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony J. Villasenor, Office of Space Science and Applications, Code EC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2132**

RIN: 2700–AA54

3112. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Program, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700–AA69

3113. FREEDOM OF INFORMATION ACT SUBMITTER NOTICE

Legal Authority: 5 USC 552(a)(3)(B); EO 12600

CFR Citation: 14 CFR 1206

Legal Deadline: None

Abstract: Formalizes current NASA policy and procedure in providing notice of request pursuant to the Freedom of Information Act to submitters of commercial information, implementing EO 12600.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela J. vonSoosten, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2439**

RIN: 2700–AA74

3114. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

Legal Authority: PL 100-147

CFR Citation: 14 CFR 1259

Legal Deadline: None

Abstract: Formalizes and expands upon NASA's policy and procedures for

NASA

Proposed Rule Stage

implementing the National Space Grant College and Fellowship Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elaine Schwartz, University Programs Branch, Code XEU, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8344

RIN: 2700–AA75

3115. POLICY ON THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 42 USC 2451

CFR Citation: 14 CFR 1230

Legal Deadline: None

Abstract: NASA will be one of a few Federal Agencies to adopt a Model Federal Policy for the Protection of Human Subjects which was prepared by the Office of Science and Technology Policy. This NPRM will implement a Model Federal Policy for the Protection of Human subjects of research conducted, supported or regulated by NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Arnauld E. Nicogossian, National Aeronautics and Space Administration, Life Sciences Division, Code EB, Office of Space Science and Applications, Washington, DC 20546, 202 453-1530

RIN: 2700–AA76

3116. ● CARE AND USE OF ANIMALS IN THE CONDUCT OF NASA ACTIVITIES

Legal Authority: 42 USC 2451; PL 89-544, as amended; 7 USC 2131; 39 USC 3001; PL 99-158, Sec 495

CFR Citation: 14 CFR 1232

Legal Deadline: None

Abstract: This proposed rule establishes the policy, implementation procedures, and management authority and responsibility for the care and use of vertebrate animals in the conduct of NASA activities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thora Halstead, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1527

RIN: 2700–AA78

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3117. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214, "Subpart 13"

Legal Deadline: None

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Wojtal, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2446

RIN: 2700–AA00

3118. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 8"

Legal Deadline: None

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA01

3119. ● NASA INFORMATION SECURITY PROGRAM

Legal Authority: 42 USC 2451 et seq; EO 12356

CFR Citation: 14 CFR 1203, "Subpart 2(f)(g)"

Legal Deadline: None

Abstract: NASA is revising its Information Security Program rule to reflect the current organizational position titles and word changes for clarity. Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA05

3120. ● DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS IN ORIGINAL CLASSIFICATION MATTERS

Legal Authority: 42 USC 2451 et seq; EO 12356

CFR Citation: 14 CFR 1203, "Subpart H"

Legal Deadline: None

Abstract: NASA is revising its Delegation of Authority to Make Determinations in Original Classification Matters to add the Associate Administrator for Safety, Reliability, Maintainability, and Quality Assurance, and makes organizational title changes to designated officials. Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA06

3121. ● INSPECTION OF PERSONS AND PERSONAL EFFECTS ON NASA PROPERTY

Legal Authority: 42 USC 2455(a)

CFR Citation: 14 CFR 1204, "Subpart 10"

Legal Deadline: None

Abstract: NASA is revising its Inspection of Persons and Personal Effects on NASA Property to reflect organizational title changes. Since this action is editorial in nature, notice and public comment are not required.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA20

3122. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1989 Rate Change	07/12/88	53 FR 26235
Final Action for CY 1990 Rate Change	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code T, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2043

RIN: 2700–AA29

3123. EMERGENCY PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 et seq.; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203, "Subpart J"

Legal Deadline: None

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2548
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome Verba, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2946

RIN: 2700–AA31

3124. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 4601 Note

CFR Citation: 14 CFR 1208

Legal Deadline: None

Abstract: Designates Department of Transportation (DOT) as lead agency in implementation of Uniform Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/87	52 FR 48017
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gitta G. Haber, Facilities Management Office, Code NXG, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1958

RIN: 2700–AA32

3125. SOURCE EVALUATION BOARD MANUAL

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None

Abstract: Revise and update procedures for conduct of Source Evaluation Boards.

NASA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David S. Sudduth, Office of Procurement, Code HS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8652

RIN: 2700–AA39

3126. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: Title VI of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA50

3127. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 19 USC 1202 note

CFR Citation: 14 CFR 1214, "Subpart 15"

Legal Deadline: None

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Wojtal, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2446

RIN: 2700–AA62

3128. ● NASA INFORMATION SECURITY PROGRAM COMMITTEE

Legal Authority: 42 USC 2451 et seq; EO 12356

CFR Citation: 14 CFR 1203, "Subpart I"

Legal Deadline: None

Abstract: NASA is revising its NASA Information Security Program Committee to reflect organizational title changes; adds the Associate Administrator for Safety, Reliability, Maintainability and Quality Assurance to the membership; designates the Director, NASA Security Office as the Chairperson and the Senior Security Specialist as the Executive Secretary. Since this action is internal and administrative in nature and does not affect the existing regulations, notice and public comment are not required.

Timetable:

Action	Date	FR Cite
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2953

RIN: 2700–AA64

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3129. MAJOR SYSTEM ACQUISITIONS

CFR Citation: 48 CFR 00

Completed:

Reason	Date	FR Cite
Withdrawn Nonexisting regulation.	08/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John E. Horvath 202 453-2080

RIN: 2700–AA38

3130. BROAD AGENCY ANNOUNCEMENTS

CFR Citation: 48 CFR 00

Completed:

Reason	Date	FR Cite
Final Action	08/29/88	53 FR 32902

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene 202 453-8923

RIN: 2700–AA65

3131. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Legal Authority: 5 USC 552, as amended

CFR Citation: 14 CFR 1201

Legal Deadline: None

Abstract: NASA is revising its Statement of Organization and General Information to reflect its current organizational structure. Since this action is editorial in nature, notice and public comment procedures are not required.

Timetable:

Action	Date	FR Cite
Final Rule	08/30/88	53 FR 33110
Final Action	08/30/88	53 FR 33110
Final Action Effective	08/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret M. Herring, Office of General Management, Code NPN-1, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2922

RIN: 2700–AA72

3132. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 1251, "Subpart 5"

Legal Deadline: None

Abstract: The purpose of this rule is to provide for the enforcement of nondiscrimination against qualified individuals with handicaps and sets forth standards for what constitutes discrimination.

Timetable:

Action	Date	FR Cite
Final Action	07/08/88	53 FR 25872

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynda Sampson, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2177

RIN: 2700–AA77

3133. ● PLANT CLEARANCE COSTS

Legal Authority: 42 USC 24751(c)(1)

CFR Citation: 48 CFR 1845; 48 CFR 1852

Legal Deadline: None

Abstract: Miscellaneous revisions to regulations regarding Government property.

Timetable:

Action	Date	FR Cite
Final Action	09/15/87	52 FR 34790

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Office of Procurement, Code HP, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8923

RIN: 2700–AA79

[FR Doc. 88-20815 Filed 10-21-88; 8:45 am]

BILLING CODE 7510-01-T

federal register

Monday
October 24, 1988

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1988. This agenda was developed under the guidelines in OMB Bulletin No. 88-15, dated June 24, 1988. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Constance, Chief, Information Management and Directives Branch, (202) 523-3214.

Dated: August 26, 1988.

Claudine J. Weiher,

Acting Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3134	Transfers to the National Personnel Records Center	3095-AA15
3135	Procedures for Transfers to Federal Records Centers	3095-AA41

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3136	Membership on State Historical Records Advisory Boards	3095-AA20
3137	Restrictions on Access to Archival Records	3095-AA21
3138	Micrographics Records Management	3095-AA22
3139	Uniform Administrative Requirements for Grants and Cooperative Agreements	3095-AA23
3140	NARA Implementation of Presidential Records Act	3095-AA24
3141	NARA Standards of Conduct	3095-AA25
3142	Electronic Records Management	3095-AA29
3143	Loans of Original Records for Exhibition Purposes	3095-AA37
3144	Transfer of Records to the National Archives	3095-AA42

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3145	Transfers to the National Personnel Records Center	3095-AA16
3146	Enforcement Nondiscrimination on the Basis of Handicap in Federally-conducted Programs	3095-AA35
3147	Implementation of Government-wide Nonprocurement Debarment and Suspension System	3095-AA38

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Prerule Stage

3134. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/88	
End Review	03/00/89	

Small Entities Affected: None

NARA **Prerule Stage**

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095–AA15

3135. ● PROCEDURES FOR TRANSFERS TO FEDERAL RECORDS CENTERS

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.152

Legal Deadline: None

Abstract: In accordance with 36 CFR 1228.152(f), the physical transfer of records to a records center must be made within 90 days after the agency receives the annotated copy of Standard Form 135, Records Transmittal and Receipt. Consideration is being given to extending the time period to 120 days for receipt of shipments from offices outside the continental United States.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/88	
End Review	01/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington DC 20408, 202 653-8388

RIN: 3095–AA41

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Proposed Rule Stage

3136. MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

Legal Authority: 44 USC 2505

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: This regulation will restructure the State Historical Records Advisory Boards and redefine their functions in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Nancy Sahli, Acting Dir., Records Program (NP), National Archives and Records Administration, Washington, DC 20408, 202 523-5386

RIN: 3095–AA20

3137. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	03/00/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095–AA21

3138. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Adrienne C. Thomas, Deputy Assistant Archivist, for Management and Administration, National Archives and Records Administration, Washington, DC 20408, 202 523-3621

RIN: 3095–AA22

3139. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes a common rule updating and replacing agencies' implementation of OMB Circular A-110 with a single, government-wide common rule establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to institutions of higher education, hospitals, other nonprofit organizations, and commercial or for-profit entities. This result is achieved by amending the common rule issued by the agencies on March 11, 1988, to similarly update and replace implementation of OMB Circular A-102. The provisions of the common rule are largely drawn from the existing departmental rules issued by the several agencies which in the past developed a single, comprehensive rule implementing the circulars. This proposed common rule contains fiscal and administrative requirements applicable to grantees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Adrienne C. Thomas, Deputy Assistant Archivist, for Management and Administration, National Archives and Records Administration, Washington, D.C. 20408, 202 523-3621

RIN: 3095–AA23

3140. NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

Legal Authority: 44 USC 2206

CFR Citation: 36 CFR 1270

Legal Deadline: None

Abstract: 44 USC 2206 requires that the Archivist promulgate regulations to carry out the Presidential Records Act. The law requires that the regulations provide for:

1. advance public notice of intention to dispose of valueless records;

2. notice to the former President of impending opening of otherwise restrictable records in response to judicial process, a request from the incumbent President, or request from Congress;

3. notice to the former President when disclosure of documents may adversely affect any rights or privileges he may have; and

4. establishment of procedures for consultation between the Archivist and appropriate Federal agencies regarding Presidential records which may be restricted as investigatory records compiled for law enforcement purposes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gary Brooks, General Counsel, National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095–AA24

3141. NARA STANDARDS OF CONDUCT

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Brooks, Designed Agency Ethics Official, National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095–AA25

3142. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095–AA29

3143. LOANS OF ORIGINAL RECORDS FOR EXHIBITION PURPOSES

Legal Authority: 44 USC 2104a; 44 USC 2109

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: To make the permanently valuable records of the U.S. Government more widely available, NARA may lend for exhibition purposes, original records (in sufficiently good condition to withstand the rigors of exhibition) to qualified institutions that will provide care for the borrowed items in accordance with NARA's minimum loan requirements and any additional requirements that are deemed appropriate for particular records. NARA's loan requirements are necessary to ensure that the exhibition of records from its holdings does not conflict with its responsibility for the preservation of those records. This regulation will make NARA's minimum loan requirements for security, environmental conditions, lighting, handling, and advance notice more conveniently available to potential borrowers. Since loan requests are reviewed in accordance with established administrative procedures and are subject to existing requirements, no additional costs will be involved.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	03/00/89	
Final Action	06/00/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Adrienne C. Thomas, Deputy Assistant Archivist, for Management and Administration, National Archives and Records Administration, Washington, DC 20408, 202 523-3621

RIN: 3095–AA37

NARA

Proposed Rule Stage

3144. ● TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES

Legal Authority: 44 USC Chapter 21; 44 USC Chapter 29; 44 USC Chapter 31

CFR Citation: 36 CFR 1228.180

Legal Deadline: None

Abstract: Under 44 U.S.C. 2107, the Archivist of the United States may direct and effect the transfer to the National Archives of the United States of permanently valuable records of a Federal agency that are more than 30 years old, unless the head of the agency which has custody of them certifies in writing to the Archivist that they must be retained in the agency for use in the conduct of the agency's regular current business. The rule specifies what information must be contained in the written certification and provides criteria to assist agencies in making an informed determination whether their permanently valuable records over 30 years old are needed for current business in agency space. The rule also clarifies procedures for removing statutory and other restrictions from records transferred to the National Archives.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34131
NPRM Comment Period End	10/03/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Adrienne C. Thomas, Deputy Assistant Archivist, for Management & Administration, National Archives and Records Administration, Washington, DC 20408, 202 523-3621

RIN: 3095–AA42

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3145. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

CFR Citation: 36 CFR 1228

Completed:

Reason	Date	FR Cite
Final Action	04/25/88	53 FR 13407
Final Action Effective	04/25/88	53 FR 13407

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter 202 653-8388

RIN: 3095–AA16

3146. ENFORCEMENT NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY-CONDUCTED PROGRAMS

CFR Citation: 36 CFR 1208

Completed:

Reason	Date	FR Cite
Final Action	07/08/88	53 FR 25872
Final Action Effective	09/06/88	53 FR 25872

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Adrienne C. Thomas 202 523-3621

RIN: 3095–AA35

3147. IMPLEMENTATION OF GOVERNMENT-WIDE NONPROCUREMENT DEBARMENT AND SUSPENSION SYSTEM

CFR Citation: 36 CFR 1209

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	36 FR 1209
Final Action Effective	10/01/88	36 FR 1209

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Adrienne C. Thomas 202 523-3621

RIN: 3095–AA38

[FR Doc. 88-20671 Filed 10-21-88; 8:45 am]
BILLING CODE 7515-01-T

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Monday
October 24, 1988

Part XXIX

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 or call (202) 682-5418.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3148. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135–AA01

3149. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	44 FR 56725

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135–AA03

3150. CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809 (redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Murray R. Welsh, Director, Administrative Services Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Washington, DC 20506, **202 682-5401**

RIN: 3135–AA04

[FR Doc. 88-20672 Filed 10-21-88; 8:45 am]

BILLING CODE 7537-01-T

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Part XXX

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981, the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; 202/786-0322.

Lynne V. Cheney,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Completed Actions

3151. NONPROCUREMENT DEBARMENT AND SUSPENSION

CFR Citation: 45 CFR 1169

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	53 FR 19161

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen J. McCleary 202 786-0322

RIN: 3136–AA09

[FR Doc. 88-21001 Filed 10-21-88; 8:45 am]

BILLING CODE 7536-01-T

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Part XXXI

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 88-15, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: August 18, 1988.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Proposed Rule Stage

3152. AMENDMENTS/ADDITIONS TO 45 CFR 670 - CONSERVATION OF ANTARCTIC ANIMALS AND PLANTS ENTITLED "ENFORCEMENT AND HEARING PROCEDURES" (SUBPART K)

Significance: Agency Priority

Legal Authority: 42 USC 1870; 16 USC 2405; 16 USC 2407; 16 USC 2408; 16 USC 2409; 16 USC 2411

CFR Citation: 45 CFR 670.50 (New); 45 CFR 670.60 (New)

Legal Deadline: None

Abstract: This action will amend this regulation by adding a new Subpart K (45 CFR 670.50 et seq), entitled "Enforcement and Hearing Procedures." The Antarctic Conservation Act of 1978 prohibits certain acts in the Antarctic, such as the taking of any native mammal or native bird without a valid permit. The new subpart will establish hearing procedures for adjudicating administrative complaints alleging violations of the Act, elaborate and clarify the elements of a violation, and specific other procedures necessary for the enforcement of the Antarctic Conservation Act of 1978.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	
NPRM Comment Period End	11/30/88	
Final Action	12/31/88	
Final Action Effective	12/31/88	
Public Hearing	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Robert M. Andersen, Deputy General Counsel, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9435

RIN: 3145–AA12

NATIONAL SCIENCE FOUNDATION (NSF) — Final Rule Stage

3153. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Legal Deadline: None

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
NPRM	04/04/88	53 FR 10896
NPRM Comment Period End	06/03/88	
Final Action	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145–AA05

3154. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a government-wide implementing regulation. The Foundation's Patents regulation (45 CFR 650) conforms to it.

NSF — Final Rule Stage

Because the revision to the NSF patents regulation will merely echo a government-wide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The notable changes to be made in the revision of the NSF patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA07

NATIONAL SCIENCE FOUNDATION (NSF) — Completed Actions

3155. EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

CFR Citation: 45 CFR 620, (New)

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Brenda Brush 202 357-9819

RIN: 3145–AA06

3156. NONPROCUREMENT DEBARMENT AND SUSPENSION

CFR Citation: 45 CFR 620

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19161
Final Action Effective	10/01/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Arthur J. Kusinski 202 357-9435

RIN: 3145–AA11

3157. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

CFR Citation: 45 CFR 602

Completed:

Reason	Date	FR Cite
Final Action	03/11/88	53 FR 8034
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sharon Graham 202 357-7880

RIN: 3145–AA13

[FR Doc. 88-20673 Filed 10-21-88; 8:45 am]
BILLING CODE 7555-01-T

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Monday
October 24, 1988

Part XXXII

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson (202/395-7250) at the above address.

Darrell A. Johnson,

Assistant Director for Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3158	Policies on Government Publications (Circular No. A-3)	0348-AA77
3159	Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45)	0348-AA85
3160	Major System Acquisitions (Circular No. A-109)	0348-AA12
3161	Management of Federal Audiovisual Activities (Circular No. A-114)	0348-AA84
3162	Prompt Payment(Circular A-125)	0348-AA67
3163	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3164	Writing and Administering Performance Work Statements (Part II of Supplement to Circular No. A-76)	0348-AA34
3165	Performance of Commercial Activities (Circular No. A-76)	0348-AA45
3166	Cost Principles for State and Local Governments (Circular No. A-87)	0348-AA83
3167	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (Circular No. A-110)	0348-AA69

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3168	Federal Government User Charges Policy (Circular No. A-25)	0348-AA41
3169	Indirect Cost Rates, Audit, and Audit Followup at Educational Institutions (Circular A-88)	0348-AA68
3170	Statistical Policy Directives	0348-AA43

OMB

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3171	Board of Contract Appeals - Position Allocation Pursuant to Public Law 95-563 (OFPP Policy Letter 79-2, Supplement No. 1)	0348-AA16
3172	Controlling Paperwork Burden on the Public; Regulatory Changes Reflecting Amendments to the Paperwork Reduction Act	0348-AA71

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Prerule Stage

3158. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Significance: Agency Priority

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, Government Publications, last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. This Circular is under review. OMB will consider modifications reflecting current policies on electronic dissemination of information.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
End Review	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA77

3159. ● POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911 (F); EO 11609 (Section 9)

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this circular pursuant to the provisions of paragraph 9 of the circular, dated March 28, 1984.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/88	
End Review	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348–AA85

3160. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Cooper, Procurement Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA12

3161. ● MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1950

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources. OMB is reviewing this circular pursuant to the Sunset Review Provision of the circular as revised on March 20, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Donna Fossum, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA84

3162. PROMPT PAYMENT(CIRCULAR A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; 31 USC 3901 et seq; See preamble

CFR Citation: None

OMB **Prerule Stage**

Legal Deadline: None

Abstract: The Office of Management and Budget is considering proposing amendments to Circular A-125.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/88	
End Review	06/30/88	
Proposal to Revise Circular	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne Duval, Management Analyst, Office of Management and Budget, Financial Management Division, Credit and Cash Management Branch, Washington, D.C. 20503, 202 395-6107

RIN: 0348–AA67

3163. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Significance: Agency Priority

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, Management of Federal Information Resources, issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235), for policies on electronic collection and dissemination of information, and for certain technical adjustments.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
End Review	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA76

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Proposed Rule Stage

3164. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	11/01/88	
Final Action	03/01/89	
Final Action Effective	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA34

3165. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes required by Executive Order 12615, and to provide more management flexibility to directly contract certain functions.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	11/01/88	
Final Action	03/01/89	
Final Action Effective	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA45

3166. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 64 Stat 832

CFR Citation: None

Legal Deadline: None

Abstract: This review will develop proposed changes to update the Circular.

Timetable:

Action	Date	FR Cite
Draft Circular Published for Public Comment	10/15/88	
Circular to be Issued	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

OMB

Proposed Rule Stage

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3993

RIN: 0348–AA83

3167. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Significance: Regulatory Program

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: An OMB and HHS-chaired task force will review the current requirements of Circular A-110, compare them with the final Circular A-102 and government-wide common rule published in the Federal Register March 11,1988, determine the need for changes to restore uniformity, and propose a revised Circular A-110 and common rule for public comment.

Timetable:

Action	Date	FR Cite
Begin Review	06/15/87	
Invitation for Comments	06/24/87	52 FR 23729
Proposed Circular	11/30/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jonathan D. Breul, Management Analyst, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3050

RIN: 0348–AA69

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Final Rule Stage

3168. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Title V of Independent Offices Appropriations Act of 1952; 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	07/01/87	52 FR 24890
Public Comment Period End	08/01/87	
Final Publication	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joel Friedman, Financial Economist, Office of Management and Budget, Budget Review Division, Fiscal Analysis Branch, Washington, D.C. 20503, 202 395-4574

RIN: 0348–AA41

3169. INDIRECT COST RATES, AUDIT, AND AUDIT FOLLOWUP AT EDUCATIONAL INSTITUTIONS (CIRCULAR A-88)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for Public Comment	11/06/85	50 FR 46244
Publish Revised Proposal for Comment	09/30/88	
Circular to be Issued	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Current policy for independent audits of universities is contained in Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." The proposed revision will be merged with current policy for Federal audits of universities contained in Circular A-88.

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348–AA68

3170. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. The final Circular is planned for issuance in October 1988.

Timetable:

Action	Date	FR Cite
Draft Circular for Public Comment	01/20/88	53 FR 1542
Final Circular	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

OMB **Final Rule Stage**

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3093**

RIN: 0348–AA43

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3171. BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The action has been withdrawn and will be rescheduled after OFPP makes preliminary determination as to need for reallocation.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/88	
Withdrawn	07/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allen Brown, Acting Associate Administrator for Procurement Law and Legislation, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348–AA16

3172. CONTROLLING PAPERWORK BURDEN ON THE PUBLIC: REGULATORY CHANGES REFLECTING AMENDMENTS TO THE PAPERWORK REDUCTION ACT

Legal Authority: 44 USC 3516

CFR Citation: 5 CFR 1320

Legal Deadline: None

Abstract: The recently enacted Paperwork Reduction Reauthorization Act of 1986 amended the Paperwork Reduction Act of 1980. The Office of Management and Budget amended its existing paperwork clearance rules to reflect this legislative change and otherwise to improve the management of Federal paperwork.

Timetable:

Action	Date	FR Cite
NPRM	07/23/87	52 FR 27768
NPRM Comment Period End	09/21/87	
Final Action	05/10/88	53 FR 16618
Final Action Effective	06/09/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Jefferson B. Hill, Chief, Commerce and Lands Branch, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3176**

RIN: 0348–AA71

[FR Doc. 88-20674 Filed 10-21-88; 8:45 am]

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Monday
October 24, 1988

Part XXXIII

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from October 1, 1988, through September 30, 1989. This agenda carries out OPM's responsibilities to publish a semiannual agenda under EO 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 653-7252.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3173	Executive Assignment System	3206-AC03
3174	Executive and Management Development	3206-AC12
3175	Suitability -- Suitability Disqualification/Rating Actions	3206-AC19
3176	Personnel Security and Related Programs	3206-AC21
3177	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3178	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3179	Performance Management System	3206-AD22
3180	Employment (General); Time-in-Grade Restrictions	3206-AC01
3181	Employment in the Senior Executive Service	3206-AC81
3182	Training	3206-AD06
3183	Reduction in Grade and Removal Based on Unacceptable Performance	3206-AB21
3184	Pay Under the General Schedule	3206-AD44
3185	Prevailing Rate Systems	3206-AC82
3186	Grade and Pay Retention	3206-AD45
3187	Pay Administration (General); Severance Pay	3206-AC41
3188	Pay Administration under the FLSA: Compliance	3206-AA40
3189	Political Activity of Federal Employees	3206-AA47
3190	Retirement; Credit and Deposits for Military Service	3206-AB73
3191	Retirement; CSRS Offset Service	3206-AD58
3192	Retirement; Disability Retirement	3206-AB77
3193	Retirement; Recovery of Annuity Overpayments	3206-AB78
3194	Retirement; FERS Cost-of-Living Adjustments	3206-AD62
3195	Federal Employees' Group Life Insurance; Annual Rates of Pay for Employees Who Work Less Than Full Time	3206-AD50
3196	Federal Employees Group Life Insurance	3206-AB80
3197	Federal Employees Health Benefits Program; Technical Corrections	3206-AB83
3198	Federal Employees Health Benefits for Former Spouses of CIA and Foreign Service Employees	3206-AD28
3199	Federal Employees Health Benefits Program/Withdrawal of Carrier and Plan Approval	3206-AD37
3200	Definition of Medicare Eligible Individuals	3206-AD49
3201	Federal Employees Health Benefits Program (FEHBP) Enrollment Process for Federal Employees' Retirement System (FERS) Minimum Retirement Annuity Eligibles	3206-AD53
3202	Miscellaneous Federal Employees Health Benefits Program (FEHBP) Amendments	3206-AD55
3203	Conversion Privilege for Family Members Who Lose Coverage Under the Federal Employees Health Benefits Program (FEHBP)	3206-AD56
3204	Federal Employees Health Benefits Program; Continuation of Enrollment and Discontinued Plan Enrollment Changes	3206-AB88
3205	Federal Employees Health Benefits Program; Reenrollment of Certain Annuitants	3206-AD23
3206	Federal Employees Health Benefits Program (FEHBP) Plan Advertising in Violation of FEHBP Contract Provisions	3206-AD36
3207	OPM Procurement Regulations	3206-AB28

OPM

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3208	Availability of Official Information	3206-AD05
3209	Employment (General); Employment Practices	3206-AB41
3210	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service	3206-AA09
3211	Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement)	3206-AA11
3212	General Recruitment/Placement Principles	3206-AC07
3213	Promotion and Internal Placement	3206-AA90
3214	Qualifications Requirements (Medical)	3206-AA91
3215	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA21
3216	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA23
3217	Pay and Performance Under the Senior Executive Service	3206-AB29
3218	Prevailing Rate Systems	3206-AC59
3219	Pay Administration (General); Back Pay	3206-AD39
3220	Pay Administration (General); Overtime Pay Computation	3206-AC98
3221	Pay Administration Under the Fair Labor Standards Act	3206-AD40
3222	Allowances and Differentials; Cost of Living Allowance and Post Differential--Nonforeign Areas	3206-AB34
3223	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3224	Absence and Leave; Temporary Leave Transfer Program	3206-AD41
3225	Absence and Leave; Restoration of Annual Leave	3206-AD42
3226	Executive Personnel Financial Disclosure Requirements	3206-AA93
3227	Post Employment Conflict of Interest; 1987 Designation of Certain Positions and Agencies	3206-AD04
3228	Retirement; Processing Court Orders for Apportionment of Civil Service Retirement System Annuity and Competing Claims for Survivor Benefits	3206-AC93
3229	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3230	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AD48
3231	Retirement; Deposits for Military Service	3206-AB35
3232	Retirement; Court Orders Affecting Retirement	3206-AD64
3233	Retirement; Alternative Form of Annuity	3206-AD35
3234	Retirement; Crediting Personal Service Contract Service	3206-AD59
3235	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3236	Retirement; Federal Employees' Retirement System Act of 1986	3206-AD65
3237	Retirement; FERS--Annual Pay Computation for Less than Full-Time Employees	3206-AD63
3238	Retirement; Reemployment of Annuitants	3206-AD60
3239	Retirement; FERS Disability Benefits	3206-AD61
3240	Federal Employees' Group Life Insurance: Premium Reduction for Basic Life Insurance Coverage Continued During Retirement	3206-AD54
3241	Continuation of Health and Life Insurance Coverage During Retirement	3206-AD34
3242	Letter of Credit Access to Federal Employees Health Benefits Program (FEHBP) Carrier Reserves	3206-AD52
3243	Computer Security Training	3206-AD43
3244	Letter of Credit Access to Federal Employees Health Benefits Program (FEHBP) Carrier Reserves	3206-AD51

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3245	Excepted Service -- Schedule B Authority to Appoint and Convert Cooperative Education Students	3206-AD20
3246	Performance Management System; Recordkeeping	3206-AB27
3247	Procedures for Selecting Candidates for Appointment	3206-AD18
3248	Productivity Gainsharing	3206-AC71
3249	Special Salary Rates for Recruitment and Retention	3206-AD38
3250	Pay Under the General Schedule; Prevailing Rate Systems; Grade and Pay Retention	3206-AC36
3251	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3252	Employee Responsibilities and Conduct	3206-AB66
3253	Post Employment Conflict of Interest	3206-AB12
3254	Adverse Actions	3206-AC23
3255	Retirement; Underdeductions of Retirement Contributions	3206-AC96
3256	Retirement; Credit for Service; Food Service Employees of the House of Representatives May Retain CSRS or FERS	3206-AD14
3257	Retirement; Credit for Service; Employees Who Transfer to Airports Authority	3206-AD15
3258	Continuation of Federal Employees' Group Life Insurance Coverage During Military Service	3206-AD10

OPM

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3259	Continuation of Federal Employees Health Benefits and Federal Employees Group Life Insurance Coverage under FERS	3206-AD11
3260	Credit for CHAMPUS Coverage for the Purpose of Continuing an FEHB Enrollment During Retirement	3206-AD26
3261	Federal Employees Health Benefits Program; Registration and Enrollment	3206-AB87
3262	Federal Employees Health Benefits Program; Continuation of Coverage During Military Service	3206-AD24
3263	Federal Employees Health Benefits Program; Continuation of Coverage During Military Service	3206-AD57
3264	Federal Employees Health Benefits Program; Medically Underserved Areas	3206-AD46
3265	Federal Employees Health Benefits Program; Medically Underserved Areas for 1988	3206-AD47

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Prerule Stage

3173. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/88	
End Review	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AC03

3174. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Legal Deadline: None

Abstract: Review of executive and management development program authority for possible reconstructing.

Timetable:

Action	Date	FR Cite
Begin Review	02/15/89	
End Review	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Segal, Chief, Policy and Oversight Branch, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, D.C. 20044, 202 632-5574

RIN: 3206–AC12

3175. SUITABILITY – SUITABILITY DISQUALIFICATION/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC19

3176. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC21

OPM

Prerule Stage

3177. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206–AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Proposed Rule Stage

3178. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
NPRM	05/30/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Oland, Chief, Program Development Division, Office of Personnel Management, Agency Compliance and Evaluation, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, 202 632-4468

RIN: 3206–AA66

3179. PERFORMANCE MANAGEMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54; 5 USC 552; EO 12107; 5 USC 1103; 5 USC 1104; 5 USC 1302; 5 CFR 7.2; EO 9830

CFR Citation: 5 CFR 293; 5 CFR 430

Legal Deadline: None

Abstract: Revises requirements for the Performance Management Systems for General Schedule, Prevailing Rate, and SES employees. Regulations will be streamlined to eliminate impediments to management flexibility while still assuring pay-for-performance systems. The section on filing and transfer of performance records contains a technical change that would bring the OPF subpart into conformance with the EPF subpart, indicating that performance ratings of record, and the performance plans on which they are based, may be filed in either the OPF or the EPF.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Frank Carrick, Chief, Performance Management Division, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7630

RIN: 3206–AD22

3180. EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Legal Deadline: None

Abstract: Regulations based on review of time-in-grade restrictions. Regulations will address inconsistencies and clarify certain provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206–AC01

3181. EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397; 5 USC 1302; 5 USC 3595; 5 USC 3596; 5 USC 5383; 5 USC 5385; 5 USC 7543

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 430; 5 CFR 534; 5 CFR 752

Legal Deadline: None

Abstract: This is a Regulatory Program entry that combines RINs 3206-AA09, 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
Interim Final Rule	12/05/80	45 FR 80468
NPRM	07/22/88	53 FR 27695
NPRM	08/08/88	53 FR 29685
NPRM	08/10/88	53 FR 30061
Analyze comments	11/00/88	
Final Action	12/00/88	

OPM

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kirke Harper, Director, Office of Executive Personnel, Office of Executive Administation, Office of Personnel Management, 1900 E St., N.W., Washington, DC 20415, 202 632-4486

RIN: 3206–AC81

3182. TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None

Abstract: Revision of training regulations to remove obsolete or unessential reporting requirements and remove or modify any other outmoded regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Segal, Chief, Policy and Oversight Branch, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, DC 20044, 202 632-5574

RIN: 3206–AD06

3183. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Legal Deadline: None

Abstract: Proposed regulations would clarify the procedures agencies must follow in removing or reducing in-grade employees whose performance is unacceptable. These changes are necessary due to changing legal requirements brought about by court decisions and OPM interpretations of 5 U.S.C. chapter 43 requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Dirks, Chief, Employee Relations Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, 202 653-8551

RIN: 3206–AB21

3184. ● PAY UNDER THE GENERAL SCHEDULE

Legal Authority: 5 USC 5334(a); 5 USC 5338

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Under current regulations, Federal agencies must request prior OPM approval to use a special rate as an employee's "highest previous rate" upon reassignment to another position. The proposed regulations would revise the "highest previous rate" provisions of the regulations to remove this requirement and to clarify an agency's authority to establish an employee's rate of basic pay upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Gatewood, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD44

3185. PREVAILING RATE SYSTEMS

Significance: Regulatory Program

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule changes would revise Monroney regulations so that only non-Department of Defense Federal Wage System positions would be covered. Legislation has removed DOD employees from Monroney.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Pokoyk, Chief, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7830

RIN: 3206–AC82

3186. ● GRADE AND PAY RETENTION

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: Proposed regulations would provide for the application of current pay retention rules when a Federal prevailing rate (wage) schedule is reduced as a result of a decline in the local private sector economy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD45

3187. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations also would clarify severance pay coverage for certain employees serving under time-limited appointments.

OPM

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Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AC41

3188. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Tapping, Personnel Management Specialist, Office of Personnel Management, Personnel and Systems and Oversight Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-4530

RIN: 3206–AA40

3189. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 7538, Washington, DC 20415, 202 632-5030

RIN: 3206–AA47

3190. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206–AB73

3191. ● RETIREMENT; CSRS OFFSET SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart J

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provided that certain employees would continue to be covered by both the Civil Service Retirement System and social security. Their CSRS deductions are offset by social security taxes (FICA), and, when they retire, their CSRS benefits are offset by the value of this service in their social security benefits. The regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD58

3192. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206–AB77

3193. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Legal Deadline: None

Abstract: Proposed regulations to add further guidelines on debt collection

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activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4682

RIN: 3206–AB78

3194. ● RETIREMENT; FERS COST-OF-LIVING ADJUSTMENTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart G

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provides basic rules for adding cost-of-living adjustment (COLA's) to annuities of FERS retirees and their survivors. These regulations implement and clarify these provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD62

3195. ● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; ANNUAL RATES OF PAY FOR EMPLOYEES WHO WORK LESS THAN FULL TIME

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart C

Legal Deadline: None

Abstract: Regulations to establish a new method of arriving at annual rates of pay for life insurance purposes for employees on less than full-time schedules.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD50

3196. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, D.C. 20415, 202 632-4634

RIN: 3206–AB80

3197. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TECHNICAL CORRECTIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AB83

3198. FEDERAL EMPLOYEES HEALTH BENEFITS FOR FORMER SPOUSES OF CIA AND FOREIGN SERVICE EMPLOYEES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to implement Sections 302 and 303 of the Intelligence Authorization Act of 1986 and Sections 831 and 832 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, by describing the conditions under which certain former spouses of Central Intelligence Agency and Foreign Service employees, and former spouses of former employees of those agencies, previously omitted from spouse equity legislation may enroll in the Federal Employees Health Benefits (FEHB) Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD28

3199. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM/WITHDRAWAL OF CARRIER AND PLAN APPROVAL

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify OPM's minimum standards for a health plan's or carrier's participation in FEHB and OPM's right to withdraw approval, with due process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD37

3200. ● DEFINITION OF MEDICARE ELIGIBLE INDIVIDUALS

Legal Authority: PL 100-360

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to define "Medicare eligible individual" for purposes of implementation of Section 422, Rate Reduction for Medicare Eligible Federal Annuitants, of P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988. The effective date is January 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret C. Randall, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD49

3201. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) ENROLLMENT PROCESS FOR FEDERAL EMPLOYEES' RETIREMENT SYSTEM (FERS) MINIMUM RETIREMENT ANNUITY ELIGIBLES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify FEHBP enrollment process and "immediate annuity" for individuals eligible for FERS Minimum Retirement Annuity.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD53

3202. ● MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to establish earlier effective date of coverage for former spouses; to clarify the treatment of former spouse health benefits if former spouse is or becomes a Federal employee or is covered under the Federal enrollment of another; and to clarify the current provision on continued coverage while confined in a hospital at the time of change of plan.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD55

3203. ● CONVERSION PRIVILEGE FOR FAMILY MEMBERS WHO LOSE COVERAGE UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP)

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify current practice giving conversion privilege to family members who lose coverage under the FEHBP when an employee or annuitant changes from family to self only enrollment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD56

3204. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT AND DISCONTINUED PLAN ENROLLMENT CHANGES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to reflect established OPM practice of (1) allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases; and (2) setting an alternative time and effective date for a change of enrollment when a one-option health benefits plan is discontinued at the end of the contract period.

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Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AB88

3205. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REENROLLMENT OF CERTAIN ANNUITANTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to permit reenrollment of annuitants who cancelled FEHB enrollment to enroll in a Health Maintenance Organization or Competitive Medical Plan under a Medicare risk contract and need to return to FEHB coverage.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD23

3206. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) PLAN ADVERTISING IN VIOLATION OF FEHBP CONTRACT PROVISIONS

Legal Authority: 5 USC 8913; 40 USC 486(c)

CFR Citation: 48 CFR Ch 16

Legal Deadline: None

Abstract: Regulations to require any plan that violates the advertising provisions in its Federal Employees Health Benefits Program contract to correct the violation in the media that the advertising occurred.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay & Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD36

3207. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Division, Office of Personnel Management, Administration Group, 1900 E Street, NW, Washington, DC 20415, 202 632-5476

RIN: 3206–AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Final Rule Stage

3208. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Revisions in response to (a) comments received on interim final rule; (b) fee waiver policy guidance from the Department of Justice; (c) the requirements of E.O. 12600 regarding confidential commercial information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13215
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Reports and Forms Management Branch, Office of Information Management, Office of Personnel Management, Administration Group, 1900 E Street, NW; Room 6410, Washington, DC 20415, 202 632-0261

RIN: 3206–AD05

3209. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

OPM

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Timetable:

Action	Date	FR Cite
EEOC Coordination	04/01/88	
NPRM	06/20/88	53 FR 23123
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James S. Green, Associate General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5087

RIN: 3206–AB41

3210. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Legal Deadline: None

Abstract: Proposed regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27695
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA09

3211. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Legal Authority: 5 USC 3593

CFR Citation: 5 CFR 317, Subpart G

Legal Deadline: None

Abstract: Proposed regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
NPRM	07/22/88	53 FR 27695
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA11

3212. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Legal Authority: 5 USC 1302; 5 USC 3302; 5 USC 3315; 5 USC 8151

CFR Citation: 5 CFR 330; 5 CFR 351

Legal Deadline: None

Abstract: Proposed regulations based on review of Reemployment Priority List and Displaced Employee Program authorities. Regulations would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
NPRM	01/07/88	53 FR 408
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206–AC07

3213. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Legal Deadline: None

Abstract: Proposed regulations to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40436
Analyze comments	02/28/87	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206–AA90

3214. QUALIFICATIONS REQUIREMENTS (MEDICAL)

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Legal Deadline: None

Abstract: Proposed regulations to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9121
Analyze comments	07/01/88	
Final Action	12/00/88	

OPM **Final Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206–AA91

3215. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3594; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Proposed regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
NPRM	08/10/88	53 FR 30061
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA21

3216. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
NPRM	08/10/88	53 FR 30061
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA23

3217. PAY AND PERFORMANCE UNDER THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 4311; 5 USC 4312; 5 USC 4313; 5 USC 4314; 5 USC 4315; 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 430, Subpart C; 5 CFR 534, Subpart D

Legal Deadline: None

Abstract: Proposed regulations on establishing performance appraisal systems and setting individual basic pay under the SES. Performance regulations would provide agencies greater flexibility in determining when to end their annual SES appraisal periods and how many summary rating levels to establish. Pay regulations would clarify the intent and application of 5 U.S.C. 5383(a) on changes in SES pay rates and implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29685
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AB29

3218. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule changes would revise Monroney regulations to limit the use of private sector specialized industry data obtained outside a wage area in setting pay rates for positions in that area.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	50 FR 40979
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Pokoyk, Chief, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7830

RIN: 3206–AC59

3219. PAY ADMINISTRATION (GENERAL); BACK PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5596

CFR Citation: 5 CFR 550

Legal Deadline: None

Abstract: Public Law 100-202 amended 5 U.S.C. 5596 to provide for the payment of interest in all back pay cases. The interim regulations would establish procedures for implementing this change in law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/88	53 FR 18071
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD39

3220. PAY ADMINISTRATION (GENERAL); OVERTIME PAY COMPUTATION

Legal Authority: 5 USC 5548

CFR Citation: 5 CFR 550, Subpart A

Legal Deadline: None

Abstract: Final regulations would clearly distinguish between overtime work in excess of 8 hours in a day outside the basic 40-hour workweek and overtime work in excess of 8 hours in a day within the basic 40-hour workweek. This change would correct a recent Comptroller General decision that results in an improper payment for overtime work for employees on unusual work schedules.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17762
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AC98

3221. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

Legal Authority: 29 USC 204(f)

CFR Citation: 5 CFR 551

Legal Deadline: None

Abstract: As a result of a recent decision of the Court of Appeals for the Federal Circuit in the case of Lanehart v. Horner, it is necessary to revise the regulations on pay administration under the Fair Labor Standards Act so as to consider periods of paid absence as "hours of work" for certain employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/87	52 FR 47687
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Matteson, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD40

3222. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None

Abstract: Comprehensive revision of regulations to reflect revised methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Hearne, Pay Specialist, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, 202 632-7184

RIN: 3206–AB34

3223. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Current regulations contain obsolete references to certain D.C. government employees who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AC47

3224. ABSENCE AND LEAVE; TEMPORARY LEAVE TRANSFER PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 6311; PL 100-202

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Public Law 100-202 authorized the Office of Personnel Management to establish a program under which Federal employees may transfer annual leave to other employees who need such leave because of a "personal emergency." The regulations establish the administrative procedures for Federal agencies to permit the transfer of annual leave for this purpose. The statutory authority for this program expires at the end of FY 88. Further action is dependent upon whether continuing or permanent authorization is enacted.

OPM — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/88	53 FR 7325
Expires	09/30/88	
(Pending Legislation)		
Next Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha Hoehn, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD41

3225. ABSENCE AND LEAVE; RESTORATION OF ANNUAL LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: As part of a continuing effort to simplify and deregulate the Federal personnel system, the proposed regulations would permit the head of each agency to delegate to an appropriate administrative level within the agency the responsibility for determining that an exigency of the public business has prevented an employee from using annual leave that otherwise would be subject to forfeiture under 5 U.S.C. 6304.

Timetable:

Action	Date	FR Cite
NPRM	05/10/88	53 FR 16554
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Matteson, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD42

3226. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Analyze comments	05/31/87	
Final Action	11/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Ley, Staff Attorney, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206–AA93

3227. POST EMPLOYMENT CONFLICT OF INTEREST; 1987 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1987) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	12/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Bovard/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206–AD04

3228. RETIREMENT; PROCESSING COURT ORDERS FOR APPORTIONMENT OF CIVIL SERVICE RETIREMENT SYSTEM ANNUITY AND COMPETING CLAIMS FOR SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subparts A and Q

Legal Deadline: None

Abstract: Regulations to establish streamlined procedures for handling court orders for apportionment of civil service retirement annuity and competing claims for survivor benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/30/86	51 FR 47021
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206–AC93

3229. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, and T

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule – Revised	09/08/86	51 FR 31927
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206–AB75

OPM

Final Rule Stage

3230. ● RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subpart Q

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule	09/08/86	51 FR 31927
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206–AD48

3231. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206–AB35

3232. ● RETIREMENT; COURT ORDERS AFFECTING RETIREMENT

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 841

Legal Deadline: None

Abstract: These regulations implement sections 8341(h)(4) and 8445(d) of Title 5, United States Code, that prohibit the modification of State court orders relating to survivor annuities after the retirement or death of the employee.

Timetable:

Action	Date	FR Cite
NPRM	08/02/88	53 FR 29057
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD64

3233. RETIREMENT; ALTERNATIVE FORM OF ANNUITY

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: Regulations to implement section 6001 of Public Law 100-203 providing for partial deferral of lump sum payments for retirees who elect an alternative form of annuity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/88	53 FR 11633
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD35

3234. ● RETIREMENT; CREDITING PERSONAL SERVICE CONTRACT SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, provides qualifying employees and annuitants with an opportunity to credit certain service performed under the auspices of a personal services contract with a Federal agency. These regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD59

3235. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 842; 5 CFR 846

Legal Deadline: None
New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	09/00/89	

OP**

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-5560

RIN: 3206–AC94

3236. ● RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/87	52 FR 4472
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5560

RIN: 3206–AD65

3237. ● RETIREMENT; FERS--ANNUAL PAY COMPUTATION FOR LESS THAN FULL-TIME EMPLOYEES

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 843

Legal Deadline: None

Abstract: These regulations provide a methodology for computing the amount of the basic employee death benefit under the Federal Employees' Retirement System (FERS) Act of 1986 for employees whose tour of duty is less than full time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16535
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD63

3238. ● RETIREMENT; REEMPLOYMENT OF ANNUITANTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart K; 5 CFR 846

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, amended the Federal Employees' Retirement System Act provisions concerning reemployment of FERS annuitants and CSRS annuitants who transfer to FERS. These regulations implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/88	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD60

3239. ● RETIREMENT; FERS DISABILITY BENEFITS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 844

Legal Deadline: None

Abstract: These regulations implement Subchapter V of chapter 84, the Federal Employees' Retirement System Act disability provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/88	53 FR 33433
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20425, 202 632-4682

RIN: 3206–AD61

3240. ● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE: PREMIUM REDUCTION FOR BASIC LIFE INSURANCE COVERAGE CONTINUED DURING RETIREMENT

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart D

Legal Deadline: None

Abstract: Regulations to reflect reductions in the premium rates for the three levels of post-retirement Basic Life coverage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD54

3241. CONTINUATION OF HEALTH AND LIFE INSURANCE COVERAGE DURING RETIREMENT

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: Regulations to specify that the minimum participation requirements set forth in the FEHB and FEGLI laws for continuing either health benefits or life insurance during retirement must be met as of the commencing date of the affected individual's annuity.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 5984
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

OPM

Final Rule Stage

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD34

3242. ● LETTER OF CREDIT ACCESS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) CARRIER RESERVES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to authorize the use of letters of credit for FEHBP Carrier Reserves.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34305
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD52

3243. COMPUTER SECURITY TRAINING

Legal Authority: PL 100-235

CFR Citation: 5 CFR 930, Subpart C

Legal Deadline: Final, Statutory, July 10, 1988.

Abstract: Regulations for government-wide training requirement in computer security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/88	53 FR 26562
Final Action	01/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Segal, Chief, Policy and Oversight Branch, Training and Investigations Group, Office of Personnel Management, 1121 Vermont Ave., NW., P.O. Box 7230, Washington, DC 20044, 202 632-5574

RIN: 3206–AD43

3244. ● LETTER OF CREDIT ACCESS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) CARRIER RESERVES

Legal Authority: 5 USC 8913; 40 USC 486 (c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Regulations to authorize the use of letters of credit for FEHBP Carrier Reserves.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34320
Final Action	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD51

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Completed Actions

3245. EXCEPTED SERVICE -- SCHEDULE B AUTHORITY TO APPOINT AND CONVERT COOPERATIVE EDUCATION STUDENTS

Significance: Regulatory Program

CFR Citation: 5 CFR 213.3202

Completed:

Reason	Date	FR Cite
Final Action	04/29/88	53 FR 15353
Final Action Effective	04/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Bates 202 632-0496

RIN: 3206–AD20

3246. PERFORMANCE MANAGEMENT SYSTEM; RECORDKEEPING

CFR Citation: 5 CFR 293

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 3206-AD22.	07/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Frank Carrick 202 632-7630

RIN: 3206–AB27

3247. PROCEDURES FOR SELECTING CANDIDATES FOR APPOINTMENT

CFR Citation: 5 CFR 302; 5 CFR 333

Completed:

Reason	Date	FR Cite
Final Action	09/13/88	53 FR 35291
Final Action Effective	10/13/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tracy Spencer 202 632-6817

RIN: 3206–AD18

3248. PRODUCTIVITY GAINSHARING

Significance: Regulatory Program

CFR Citation: 5 CFR 451

OPM

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn Adequate authority exists. FPM guidance to follows.	07/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Hellings 202 653-5835

RIN: 3206–AC71

3249. SPECIAL SALARY RATES FOR RECRUITMENT AND RETENTION

Significance: Regulatory Program

CFR Citation: 5 CFR 530

Completed:

Reason	Date	FR Cite
Withdrawn	07/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clarence Mathews 202 632-4614

RIN: 3206–AD38

3250. PAY UNDER THE GENERAL SCHEDULE; PREVAILING RATE SYSTEMS; GRADE AND PAY RETENTION

CFR Citation: 5 CFR 531; 5 CFR 532; 5 CFR 536

Completed:

Reason	Date	FR Cite
Withdrawn	07/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher 202 632-5056

RIN: 3206–AC36

3251. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

CFR Citation: 5 CFR 581

Completed:

Reason	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker 202 632-5090

RIN: 3206–AB42

3252. EMPLOYEE RESPONSIBILITIES AND CONDUCT

CFR Citation: 5 CFR 735

Completed:

Reason	Date	FR Cite
Withdrawn	07/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Ley 202 632-7642

RIN: 3206–AB66

3253. POST EMPLOYMENT CONFLICT OF INTEREST

CFR Citation: 5 CFR 737

Completed:

Reason	Date	FR Cite
Withdrawn	07/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Ley 202 632-7642

RIN: 3206–AB12

3254. ADVERSE ACTIONS

CFR Citation: 5 CFR 752

Completed:

Reason	Date	FR Cite
Final Action	06/09/88	53 FR 21619
Final Action Effective	07/11/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Dirks 202 653-8551

RIN: 3206–AC23

3255. RETIREMENT; UNDERDEDUCTIONS OF RETIREMENT CONTRIBUTIONS

CFR Citation: 5 CFR 831, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	09/13/88	53 FR 35294
Final Action Effective	10/13/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester 202 632-4682

RIN: 3206–AC96

3256. RETIREMENT; CREDIT FOR SERVICE; FOOD SERVICE EMPLOYEES OF THE HOUSE OF REPRESENTATIVES MAY RETAIN CSRS OR FERS

CFR Citation: 5 CFR 831, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	03/29/88	53 FR 10055
Final Action Effective	04/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman 202 632-4682

RIN: 3206–AD14

3257. RETIREMENT; CREDIT FOR SERVICE; EMPLOYEES WHO TRANSFER TO AIRPORTS AUTHORITY

CFR Citation: 5 CFR 831, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	03/29/88	53 FR 10055
Final Action Effective	04/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman 202 632-4682

RIN: 3206–AD15

3258. CONTINUATION OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE COVERAGE DURING MILITARY SERVICE

CFR Citation: 5 CFR 870

Completed:

Reason	Date	FR Cite
Final Action	05/31/88	53 FR 19743
Final Action Effective	06/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Randall 202 632-4634

RIN: 3206–AD10

3259. CONTINUATION OF FEDERAL EMPLOYEES HEALTH BENEFITS AND FEDERAL EMPLOYEES GROUP LIFE INSURANCE COVERAGE UNDER FERS

CFR Citation: 5 CFR 890; 5 CFR 870

Completed:

Reason	Date	FR Cite
Final Action	08/25/88	53 FR 32367
Final Action Effective	01/01/87	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AD11

3260. CREDIT FOR CHAMPUS COVERAGE FOR THE PURPOSE OF CONTINUING AN FEHB ENROLLMENT DURING RETIREMENT

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Withdrawn	07/15/88	53 FR 26781

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD26

3261. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

CFR Citation: 5 CFR 890, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	04/29/88	53 FR 15354
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers 202 632-4634

RIN: 3206–AB87

3262. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF COVERAGE DURING MILITARY SERVICE

CFR Citation: 5 CFR 890, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	08/25/88	53 FR 32368
Final Action Effective	09/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob MacKinnon 202 632-4634

RIN: 3206–AD24

3263. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF COVERAGE DURING MILITARY SERVICE

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to permit employees who enter military service on active duty or active duty for training to continue their FEHBP coverage for up to one year.

Timetable:

Action	Date	FR Cite
NPRM	03/10/88	53 FR 7763
Final Action	08/25/88	53 FR 32368
Final Action Effective	09/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob MacKinnon, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5584

RIN: 3206–AD57

3264. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; MEDICALLY UNDERSERVED AREAS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart G

Legal Deadline: None

Abstract: Regulations to specify (1) how OPM determines which states qualify as Medically Underserved Areas under the FEHB Program and (2) how and when OPM will announce the results of its determination.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 898
Final Action	07/28/88	53 FR 28366
Final Action Effective	08/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD46

3265. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; MEDICALLY UNDERSERVED AREAS FOR L988

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart G

Legal Deadline: None

Abstract: Regulations to finalize interim regulations published January 14, l988 announcing which states qualify as Medically Underserved Areas under the FEHB Program effective January l, 1988.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/88	
Interim Final Rule	01/14/88	53 FR 860
Final Action	08/02/88	53 FR 28997

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD47

[FR Doc. 88-21002 Filed 10-21-88; 8:45 am]

BILLING CODE 6325-01-T

federal register

Monday
October 24, 1988

Part XXXIV

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 88-15.

Dated: August 26, 1988.

Michael Rhode, Jr.,

Assistant to the Chairman and Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

3266. TOLLS FOR USE OF CANAL

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 133, (Revision)

Legal Deadline: None

Abstract: Due to operating cost increases, including inflation, since the last toll rate increase (March 1983), the Panama Canal Commission is currently considering increasing the rates of tolls charged vessels transiting the Canal. An approximate 9% increase may be proposed effective in FY 1990 to achieve the Commission's regulatory requirement to recover from users all costs of operating and maintaining the waterway.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW, Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA04

3267. TOLLS FOR USE OF CANAL RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 133.32; 35 CFR 133.34; 35 CFR 135.285(a); 35 CFR 135.352

Legal Deadline: None

Abstract: The proposed changes correct authority to issue Panama Canal Tonnage Certificate (no financial impact); eliminate the "125 percent of engine room as measured" limitation for ballast rate (negligible negative impact on canal revenues); increase size limitation on manholes to water ballast spaces from 30 to 34 inch diameter, to align our rules with I.M.O's (small negative impact on canal revenues); allow deductible items located in the engine room to be deducted as part of engine room rather than separately, to streamline the method by which propulsion power deduction is determined (negligible impact on canal revenues).

These changes will not impact on most vessels already measured for Panama Canal tonnages. Vessels that qualify for increased deductions may choose to be remeasured.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW, Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA17

3268. INSPECTION AND REGISTRATION OF VESSELS

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215; 44 USC 3501

CFR Citation: 35 CFR 121.2, (Revision); 35 CFR 121.3, (Revision); 35 CFR 121.41, (Revision); 35 CFR 121.43, (Revision); 35 CFR 121.45, (Revision); 35 CFR 121.47, (Revision); 35 CFR 121.58(a)(b), (Revision); 35 CFR 121.63, (Revision); 35 CFR 121.65(a)(b), (Revision); 35 CFR 121.66, (Revision); 35 CFR 121.67, (Revision); 35 CFR 121.68, (Revision); 35 CFR 121.69, (Revision); 35 CFR 121.70, (Revision); 35 CFR 121.71, (Revision); ...

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to make procedural changes to bring its

PANAMA

Prerule Stage

regulations into conformity with internal reorganization which changed units responsible for inspection and registration of vessels and to bring vessel equipment requirements into compliance with International Regulations for Preventing Collisions at Sea, 1972.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William V. Clark, II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, **202 634-6441**

RIN: 3207–AA18

3269. DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 113.3(a), (Revision); 35 CFR 113.4(a), (Revision); 35 CFR 113.5, (Revision); 35 CFR 113.21, (Revision); 35 CFR 113.22, (Revision); 35 CFR 113.26(a), (Revision); 35 CFR 113.29(b), (Revision); 35 CFR 113.29(c), (Revision); 35 CFR 113.42, (Revision); 35 CFR 113.43(c), (Revision); 35 CFR 113.45, (Revision); 35 CFR 113.49(b)(c), (Revision); 35 CFR 113.50(c)(e)(1)(2), (Revision); 35 CFR 123.4(a), (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to make minor technical changes and clarifications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William V. Clark II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, **202 634-6441**

RIN: 3207–AA19

3270. ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 22 USC 3811

CFR Citation: 35 CFR 101.10(e), (Revision); 35 CFR 101.10(f), (Revision)

Legal Deadline: None

Abstract: The purpose of the proposed changes is to make minor technical corrections by requiring that cargo manifests and loading plans show international Maritime Organization Division in addition to class.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William V. Clark II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, **202 634-6441**

RIN: 3207–AA20

PANAMA CANAL COMMISSION (PANAMA)

Proposed Rule Stage

3271. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR Chapter 35, (New)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to issue the Panama Canal Commission Acquisition Regulation (PAR) as Chapter 35 of Title 48 Code of Federal Regulations. The proposed PAR implements and supplements the Federal Acquisition Regulation (FAR), which is the primary acquisition regulation that governs the contracting process of all executive agencies or otherwise controls the relationship between such agencies and their contracts or prospective contractors. This action is necessary to provide regulatory coverage pertinent to Commission acquisitions that is not otherwise provided in the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207–AA10

3272. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 22 USC 3622

CFR Citation: 35 CFR 255, (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Ethics in Government Act, the Commission's Code of Conduct as approved by its Board of Directors, and supplementary regulations that clarify certain provisions of the Code of Conduct.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207–AA16

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3273. CLASSIFIED INFORMATION

CFR Citation: 35 CFR 60. (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/11/88	53 FR 7894
Final Action Effective	03/11/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Duty 202 634-6441

RIN: 3207–AA01

3274. IMPLEMENTATION OF THE FOI REFORM ACT OF 1986 AND REVISIONS TO THE FEE SCHEDULE OF THE FOIA

CFR Citation: 35 CFR 9A. (Revision)

Completed:

Reason	Date	FR Cite
Final Action	05/06/88	53 FR 16256
Final Action Effective	05/06/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas C. Duty 202 634-6441

RIN: 3207–AA13

[FR Doc. 88-20675 Filed 10-21-88; 8:45 am]

BILLING CODE 3640-01-T

federal register

Monday
October 24, 1988

Part XXXV

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from October 1, 1988 through September 30, 1989. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulations, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Margaret H. Thome,

Associate Director for Management.

PEACE CORPS (PEACE) — Proposed Rule Stage

3275. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharon L. Solomon, Assistant Director for Equal Opportunity, Peace Corps, 806 Connecticut Avenue, NW, Washington, DC 20526, 202 254-8320

RIN: 0420–AA01

3276. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon L. Solomon, Assistant Director for Equal Opportunity, Peace Corps, 806 Connecticut Avenue, NW, Room M-1107, Washington, DC 20526, 202 254-8320

RIN: 0420–AA02

3277. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Scales, General Counsel, Peace Corps, 806 Connecticut Avenue, NW, Room M-1207, Washington, DC 20526, 202 254-3114

RIN: 0420–AA03

[FR Doc. 88-22740 Filed 10-21-88; 8:45 am]

BILLING CODE 6051-01-T

federal register

Monday
October 24, 1988

Part XXXVI

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004; (202) 724-9088.

Dated: July 12, 1988.

M. J. Brodie,

Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3278. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

3279. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its Development Policies and Procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208–AA06

[FR Doc. 88-20676 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXXVII

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Attorney, Office of the General Counsel, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 88-15) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3280. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Publication of this proposed regulation was delayed because of the need to revise the portions dealing with waiver of a multiemployer plan's contingent liability to reflect certain changes in related statutory provisions made by the Single-Employer Pension Plan Amendments Act of 1986. Work on this rule was subsequently deferred because the enactment of SEPPAA and the 1987 Pension Protection Act amendments required that staff be reassigned to work on higher priority regulations necessitated by those laws.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA20

3281. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA38

3282. ALLOCATING UNFUNDED VESTED BENEFITS: FULLY FUNDED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None

Abstract: In a notice published in the FEDERAL REGISTER on December 31, 1986 (51 FR 47342), the PBGC issued its interpretation that ERISA section 4211 does not permit the assessment of withdrawal liability against an employer by a multiemployer plan that had no unfunded vested benefits as of the end of the plan year preceding the employer's withdrawal. This interpretation raises certain questions as to the proper manner of applying the allocation methods prescribed in section 4211(b) and (c)(2) by a plan that at one time was fully funded, but is no longer. The PBGC plans to issue a proposed amendment to its regulation on allocating unfunded vested benefits dealing with this issue.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA51

3283. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA35

3284. EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2622

Legal Deadline: None

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Therese Cleary, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8823

RIN: 1212–AA48

3285. PAYMENT OF PREMIUMS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307; PL 100-203, Sec 9331

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: The Pension Protection Act substantially altered the rules pertaining to single-employer plan premiums that are paid to the PBGC. Under the Act, there is a flat per capita charge (increased from that under prior law) plus a new variable rate charge tied to the value of a plan's unfunded vested benefits. The new premium rules are effective for plan years beginning after December 31, 1987.

On June 30, 1988, the PBGC issued an interim regulation implementing these rules. Because of the need to issue the regulation quickly to provide guidance for 1988 premium payments, the PBGC did not solicit public comment before issuing the regulation. For the same reason, the interim regulation did not address certain relevant, but secondary, issues pertaining to the new rules. Therefore, on October 5, 1988, the PBGC issued a notice of proposed rulemaking in order to permit public comment on the interim regulation. The NPRM also addressed problems or

questions raised by the public in response to the interim regulation. The PBGC hopes to issue the final regulation early in 1989 so that it will govern the 1989 (and subsequent) (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/88	53 FR 24906
NPRM	10/05/88	53 FR 39200
NPRM Comment Period End	12/05/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: (ABSTRACT CONT) premium payment years.

Agency Contact: Mr. Harold Ashner, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, D.C. 20006, 202 778-8823

RIN: 1212–AA53

3286. ● PAYMENTS BY PBGC OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: PL 100-203, Sec 9312(b)(3)

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract:

The Pension Protection Act repealed ERISA section 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries, amended ERISA section 4022(c).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA54

3287. RETIREMENT EQUITY ACT AMENDMENTS - VALUATION OF PLAN BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement- type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR Part 2619). The major changes will address the rules on determining the form of benefit to be valued on plan termination and the interest rate rules for lump sum payments in standard terminations.

Because the valuation of benefits is an essential part of the plan termination process, the PBGC plans to issue these amendments both as a notice of proposed rulemaking and as an interim final rule at or about the same time it issues the final distress termination and standard termination regulations. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Interim Final Rule	12/00/88	
NPRM Comment Period End	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA55

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Final Rule Stage

3288. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341A ERISA; 29 USC 1441 ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24536
NPRM Comment Period End	09/05/86	
Final Action	10/00/88	
Final Action Effective	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA19

3289. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	11/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA22

3290. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	
Final Action	11/00/88	
Final Action Effective	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old

liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA37

3291. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43082
NPRM Comment Period End	01/08/88	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA39

3292. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11009; PL 100-203, Sec 9312(c) to 9312(d); PL 100-203, Sec 9313(b) to 9313(c); PL 100-203, Sec 9314(a)

CFR Citation: 29 CFR 2616

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, a plan may voluntarily terminate only if the termination satisfies the statutory conditions for a standard or distress termination. These rules were further modified by the 1987 Pension Protection Act, which increased the benefits that must be provided, or for which the employer maintaining the plan is liable, upon plan termination. Thus, under current law, unless a plan has sufficient assets to satisfy all plan benefit liabilities, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and all members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, they are unable to continue to maintain the plan. CONT.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St.,

NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA41

3293. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11008; PL 100-203, Sec 9311; PL 100-203, Sec 9313(a); PL 100-203, Sec 9313(c); PL 100-203, Sec 9314(a)

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under ERISA Section 4041, as amended by the Single-Employer Pension Plan Amendments Act of 1986 and the Pension Protection Act, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan may be voluntarily terminated only if it is sufficient for all benefit liabilities (i.e., all benefits provided under the plan on the termination date, whether or not vested). This is referred to as a "standard" termination. SEPPAA also modified many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing the new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617) (CONT)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	12/00/88	
Final Action Effective	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA47

3294. MISCELLANEOUS SEPPAA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1343; 29 USC 1344; 29 USC 1362 to 1364; 29 USC 1367 to 1368; PL 99-272, Sec 11008 to 11011; PL 99-272, Sec 11016; PL 100-203, Sec 9311 to 9314; PL 100-203, Sec 9331

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to the current law. For example, because SEPPAA altered the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contained, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA and the PPA significantly changed the rules on employer liability to the PBGC in distress and involuntary terminations. Now, an employer is liable to the PBGC for the total plan underfunding, (CONT)

Timetable:

Action	Date	FR Cite
Final Action	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: i.e., for all unfunded benefit liabilities. Further, the 30 percent of net worth limitation is now relevant only in determining the amount subject to PBGC's statutory lien and the status of PBGC's claim in bankruptcy. The employer liability regulation needs to be amended to reflect these changes.

Agency Contact: Mr. Stephen Schreiber, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA50

[FR Doc. 88-20677 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XXXVIII

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months, and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 26, 1988.
By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3295	Part 220 Determining Disability	3220-AA01
3296	Annuity Beginning and Ending Dates	3220-AA13
3297	Evidence Required for Payment	3220-AA14
3298	Eligibility for an Annuity	3220-AA15
3299	Application for Annuity or Lump Sum	3220-AA16
3300	Recovery of Overpayments	3220-AA44
3301	Sickness Benefits	3220-AA45
3302	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3303	Employees Under the Railroad Retirement Act	3220-AA52
3304	Employment Relation	3220-AA53
3305	General Administration	3220-AA56
3306	Family Relationships	3220-AA57
3307	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
3308	Survivor Annuity Computations	3220-AA59
3309	Social Security Overall Minimum	3220-AA60
3310	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3311	Paying Social Security Benefits	3220-AA62
3312	Medicare	3220-AA64
3313	Available for Work	3220-AA65
3314	Exhaustion of Rights to Benefits	3220-AA67
3315	Remuneration	3220-AA68

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3316	Primary Insurance Amount Determinations	3220-AA02
3317	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3318	Recovery of Debts Owed to the United States Government by Employees	3220-AA49
3319	Employee Representative	3220-AA55

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3320	Railroad Employers Reports and Responsibilities	3220-AA25
3321	Creditable Railroad Service	3220-AA26
3322	Creditable Railroad Compensation	3220-AA27
3323	Transfer, Assignment, or Waiver of Payments	3220-AA43

RRB

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3324	Incompetence	3220-AA63

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3295. PART 220 DETERMINING DISABILITY

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Legal Deadline: None

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Grace Koester, Regulations Project Director, Railroad Retirement Board, Bureau of Hearings and Appeals, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220–AA01

3296. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Legal Deadline: None

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA13

3297. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Legal Deadline: None

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA14

3298. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W.Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA15

3299. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Legal Deadline: None

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law,

Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA16

3300. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments under the Railroad Retirement Act must be recovered. (Previously titled Erroneous Payments.)

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA44

3301. SICKNESS BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None

Abstract: Part 335 will be amended to delete obsolete provisions and to simplify and clarify the language of that part.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4750**

RIN: 3220–AA45

3302. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 23lf; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not been updated in recent years and may, in some respects, be obsolete. Parts 202 and 301 will be amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA51

3303. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA52

3304. EMPLOYMENT RELATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 204

Legal Deadline: None

Abstract: The Board's regulations with respect to Employment Relation have not been updated in recent years and may, in some respects, be obsolete. Part 204 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35515
NPRM Comment Period End	10/14/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA53

3305. GENERAL ADMINISTRATION

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 200; 20 CFR 262

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 200 to move sections of Part 262 into Part 200 to place these regulations more appropriately under General Administration.

Timetable:

Action	Date	FR Cite
NPRM	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, **312 751-4513**

RIN: 3220–AA56

3306. FAMILY RELATIONSHIPS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 222 to define any family relationship requirements needed to

establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA57

3307. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA58

3308. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA59

3309. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA60

3310. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA61

3311. PAYING SOCIAL SECURITY BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 235

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 235 to describe when and to whom the Board pays social security benefits as required by the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA62

3312. ● MEDICARE

Legal Authority: 45 USC 231f(d)

CFR Citation: 20 CFR 238

Legal Deadline: None

Abstract: The Board proposes to add this part to explain its role in the administration of medicare benefits to qualified railroad retirement beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA64

3313. ● AVAILABLE FOR WORK

Legal Authority: 45 USC 362(b)

CFR Citation: 20 CFR 327

Legal Deadline: None

RRB **Proposed Rule Stage**

Abstract: This proposed rule will amplify the meaning of "available for work" under the Railroad Unemployment Insurance Act in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA65

3314. ● EXHAUSTION OF RIGHTS TO BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 336

Legal Deadline: None

Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA67

3315. ● REMUNERATION

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 322

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 322 of its regulations under the Railroad Unemployment Insurance Act to remove obsolete language and to clarify the meaning of remuneration in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA68

RAILROAD RETIREMENT BOARD (RRB) — Final Rule Stage

3316. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Legal Deadline: None

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA02

3317. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 365; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to 41.58; 29 CFR 1613; 41 CFR 101-19.600 to 101-19.607

Legal Deadline: None

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47601
NPRM Comment Period End	02/16/88	52 FR 47601
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: The CFR citation was changed from 364 to 365. Part 364 was used to develop a regulation covering Use of Penalty Mail to Assist in the Location and Recovery of Missing Children. 52 FR 527, 01/07/87.

Agency Contact: Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220–AA22

3318. RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY EMPLOYEES

Legal Authority: 5 USC 5514(b)(1)

CFR Citation: 20 CFR 361

Legal Deadline: None

Abstract: The Railroad Retirement Board is proposing regulations to provide for the administration of its authority under the Debt Collection Act of 1982, 5 USC 5514, to recover debts owed to the United States by installment collections from the current pay account of Federal employees.

RRB — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/05/88	53 FR 143
NPRM Comment Period End	05/04/88	53 FR 143
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA49

3319. EMPLOYEE REPRESENTATIVE

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 205

Legal Deadline: None

Abstract: The Board's regulations with respect to Employee Representative have not been updated in recent years and may, in some respects, be obsolete. Part 205 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	06/02/88	53 FR 20136
NPRM Comment Period End	08/01/88	53 FR 20136
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA55

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

3320. RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

CFR Citation: 20 CFR 209

Completed:

Reason	Date	FR Cite
Final Action	05/16/88	53 FR 17182
Final Action Effective	05/16/88	53 FR 17182

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann T. Alden 312 751-3369

RIN: 3220–AA25

3321. CREDITABLE RAILROAD SERVICE

CFR Citation: 20 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	05/16/88	53 FR 17182
Final Action Effective	05/16/88	53 FR 17182

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ann T. Alden 312 751-3369

RIN: 3220–AA26

3322. CREDITABLE RAILROAD COMPENSATION

CFR Citation: 20 CFR 211

Completed:

Reason	Date	FR Cite
Final Action	05/16/88	53 FR 17182
Final Action Effective	05/16/88	53 FR 17182

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Ann T. Alden 312 751-3369

RIN: 3220–AA27

3323. TRANSFER, ASSIGNMENT, OR WAIVER OF PAYMENTS

CFR Citation: 20 CFR 243; 20 CFR 295; 20 CFR 262.5; 20 CFR 350

Completed:

Reason	Date	FR Cite
Final Action	09/15/88	53 FR 35806
Final Action Effective	09/15/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Michael C. Litt 312 751-4929

RIN: 3220–AA43

3324. INCOMPETENCE

CFR Citation: 20 CFR 266

Completed:

Reason	Date	FR Cite
Withdrawn No action contemplated in this agenda period.	08/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA63

[FR Doc. 88-20678 Filed 10-21-88; 8:45 am]

BILLING CODE 7905-01-T

federal register

Monday
October 24, 1988

Part XXXIX

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Dated: August 6, 1988.

Samuel K. Lessey Jr.,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

3325. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240–AA01

[FR Doc. 88-21382 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XL

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 19th semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354, effective January 1, 198.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or for general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, 202/653-6644.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact. They are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all have been positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rules which will be proposed during the six-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed in the agenda is not precluded.

Dated: August 26, 1988.

James Abdnor,

Administrator.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3326	Size Standards: Timber Industry	3245-AB34
3327	Small Business Size Standards: Hazards Waste Treatment	3245-AB53
3328	Small Business Size Standards: Naval Architecture and Marine Engineering	3245-AB54
3329	Small Business Size Standards: Refuse Systems and Surveying and Mapping	3245-AB61

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3330	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3331	Minority Small Business	3245-AB26
3332	Small Business Investment Companies	3245-AB29
3333	Small Business Lending Companies	3245-AB30
3334	Minority Small Business and Capital Ownership Development Assistance	3245-AB31
3335	Small Business Institutes - Counseling Fees	3245-AB32
3336	Loans to State and Local Development Companies	3245-AB35
3337	Nondiscrimination in Federally-Assisted Programs	3245-AB36
3338	Nondiscrimination in Financial Assistance Programs	3245-AB37
3339	User Fees for SBA Programs	3245-AB44
3340	Small Business Size Standards: Residual Size Standards	3245-AB57
3341	Procurement: Subcontracting Limitations	3245-AB62
3342	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110	3245-AB67
3343	Revision of Rules on Advanced Payments, Business Development Expense and Contracts	3245-AB68
3344	Accrual of Interest Payable by SBA in Secondary Market	3245-AB69
3345	Size Standard for Refuse and Garbage Collection Services	3245-AB70
3346	Business Loans, Fees	3245-AB71
3347	Disaster Loans	3245-AB74

SBA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3348	Certificate of Competency	3245-AA74
3349	Size Standards, Export Trading Companies	3245-AA83
3350	Regulations Applying Small Business Size Standards	3245-AA84
3351	Size Standard: Real Estate Agents	3245-AA88
3352	Small Business Investment Companies	3245-AB12
3353	Small Business Development Centers	3245-AB17
3354	Program Fraud Civil Remedies Regulations	3245-AB27
3355	Small Business Size Standards for Construction	3245-AB38
3356	Small Business Size Standards: Nonmanufacturers	3245-AB58
3357	Small Business Size Standards: Aircraft, Guided Missiles, and Space Vehicle Research and Development	3245-AB59
3358	Small Disadvantaged Business Status Appeals Procedures	3245-AB63
3359	Small Business Size Standards: Size Standard for Commodity Contracts Brokers and Dealers	3245-AB72
3360	Small Business Size Standards for Surveying and Mapping Services	3245-AB75

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3361	Surety Bond Guarantee Regulations	3245-AA20
3362	Civil Rights Compliance: Discrimination on the Basis of Handicap	3245-AA21
3363	Size Standards; Travel Agencies	3245-AA58
3364	Loans to State and Local Development Companies	3245-AB10
3365	Small Business Size Standards; Modification of Size Standards to Make Existing Size Standards Compatible with New Standard Industrial Classification System (SIC)	3245-AB19
3366	Definition of Small Business for Dredging	3245-AB23
3367	Business Loans; Small Business Lending Companies	3245-AB40
3368	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Proposed Revision of Circular A-102	3245-AB41
3369	Business Loan Policy	3245-AB48
3370	Small Business Size Standards: Ship Hull Cleaning	3245-AB55
3371	Small Business Size Standards: Mobile and Modular Building	3245-AB56
3372	Revolving Line of Credit	3245-AB65
3373	Conflict of Interest	3245-AB73

SMALL BUSINESS ADMINISTRATION (SBA) — Prerule Stage

3326. SIZE STANDARDS: TIMBER INDUSTRY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study related to natural resources sales program to determine whether rule change is needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/87	
End Review	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245–AB34

3327. SMALL BUSINESS SIZE STANDARDS: HAZARDS WASTE TREATMENT

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study of hazardous waste treatment industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Washington, DC 20416, 202 653-6373

RIN: 3245–AB53

SBA **Prerule Stage**

3328. SMALL BUSINESS SIZE STANDARDS: NAVAL ARCHITECTURE AND MARINE ENGINEERING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study of Naval architecture and Marine engineering for size standards purposes.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB54

3329. SMALL BUSINESS SIZE STANDARDS: REFUSE SYSTEMS AND SURVEYING AND MAPPING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of refuse systems and surveying and mapping industries for size standard purposes.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/88	
End Review	02/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB61

SMALL BUSINESS ADMINISTRATION (SBA) — Proposed Rule Stage

3330. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Establishment of new system of periodic compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Peyser, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW, Room 1018, Washington, DC 20416, 202 653-6370

RIN: 3245–AB07

3331. MINORITY SMALL BUSINESS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Regulations governing the participation of Indian tribes in the Section 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph Montes, Acting Associate Administrator, Minority, Small Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, 202 653-6407

RIN: 3245–AB26

3332. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Major revision to Part 107 of title 13 governing Small Business Investment Companies. The regulation will cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for Section 301(d) SBICs, definition of small business concern , control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest provisions, redemptions, commitments, the purchase, sale or guarantee of securities evidencing leverage, and the filing of SBA Form 468.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small Business Administration, 1441 L Street,N.W., Room 808, Washington, DC 20416, 202 653-6584

RIN: 3245–AB29

3333. SMALL BUSINESS LENDING COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120.302

Legal Deadline: None

Abstract: Cancellation of participation authority of Small Business Lending Companies that have not been active for five years or more.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jean P. LaForce, Acting Director, Office of Financial Institutions, Small Business Administration, 1441 L Street, N.W.,

Room 804, Washington, DC 20416, 202 653-2585

RIN: 3245–AB30

3334. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Technical corrections and substantive changes to provisions on 8(a) program eligibility.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Francisco Marrero, Director, Office of Program Eligibility/, MSB/COD, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, 202 653-6407

RIN: 3245–AB31

3335. SMALL BUSINESS INSTITUTES - COUNSELING FEES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: User fees for training conducted by SBA cosponsors under Section 8(b)(1) of the Small Business Act for training (management and/or technical), and for training and counseling provided by Small Business Institutes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Small Business Administration is prohibited under the FY 88 Continuing Resolution on Appropriations, PL 100-202, from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 89 Appropriations legislation.

Agency Contact: John Cox, Associate Administrator for Business, Development, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, D.C. 20416, 202 653-6881

RIN: 3245–AB32

3336. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Complete revision of the Section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, 202 653-6416

RIN: 3245–AB35

3337. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB36

3338. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681, et seq.; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB37

3339. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC App. 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives

(SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The Small Business Administration is prohibited under the FY 88 Continuing Resolution on Appropriations, PL 100-202, from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 89 Appropriations legislation.

Agency Contact: Ramona Powell, Attorney Adviser, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6437

RIN: 3245–AB44

3340. SMALL BUSINESS SIZE STANDARDS: RESIDUAL SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for industries for which no size standard has been previously established.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB57

3341. PROCUREMENT: SUBCONTRACTING LIMITATIONS

Legal Authority: PL 99-591; PL 99-661; 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Guidelines for application of subcontracting limitations imposed by Public Laws 99-591 and 99-661.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	
NPRM Comment Period End	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Monika E. Harrison, Associate Administrator for Procurement, Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB62

3342. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6573

RIN: 3245–AB67

3343. ● REVISION OF RULES ON ADVANCED PAYMENTS, BUSINESS DEVELOPMENT EXPENSE AND CONTRACTS

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Revision of sections on Advanced Payments, Business Development Expense and Contracts. Technical changes and clarifications. Possible substantive changes to section on subcontracting limitations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joseph Montes, Acting Associate Administrator for Minority, Small Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, DC 20416, 202 653-6407

RIN: 3245–AB68

3344. ● ACCRUAL OF INTEREST PAYABLE BY SBA IN SECONDARY MARKET

Legal Authority: 15 USC 634(f); 15 USC 634(g); 15 USC 634(h); 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: SBA Form 1086, Secondary Participation Guaranty and Certification Agreement, has been revised. Included therein are changes fixing the interest calculation to be made in the event a borrower defaults and SBA is called on to honor its guaranty. The net effect of the change would be to guarantee the SBA's obligation in paying accrued interest. The regulation would spell out the rules and procedures contained in the revised form.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
NPRM Comment Period End	01/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Alan S. Mandel, Assistant Deputy Associate Administrator, for Financial Assistance, Small Business Administration, 1441 L

SBA — Proposed Rule Stage

Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB69

3345. ● SIZE STANDARD FOR REFUSE AND GARBAGE COLLECTION SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishment of size standard of $1.5 million for refuse and garbage collection services within Standard Industrial Classification (SIC) Codes 4212 (Local Trucking Without Storage) and 4953 (Refuse Systems) in compliance with PL 99-591 and PL 99-661 which direct the SBA to revise its size standards for refuse systems and related services if the total dollar value of small business set-aside and section 8(a) program awards for these activities exceed 30 per cent of the dollar value of overall Federal procurements for these activities.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30691
Correction	08/26/88	53 FR 32821
NPRM Comment Period End	10/14/88	53 FR 36990
Final Action	11/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Monika E. Harrison, Chairperson, Size Policy Board, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB70

3346. ● BUSINESS LOANS, FEES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120.104-2(e)

Legal Deadline: None

Abstract: A lender or associate will be permitted to charge an applicant for an SBA loan reasonable fees for packaging and/or other services. SBA will not ordinarily review such fees but it will investigate if an applicant complains.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804-D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB71

3347. ● DISASTER LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 98-270, Title III; PL 99-272, Sec 18006

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Amend disaster loan regulation by authorizing SBA to establish a flexible repayment schedule during the first two years of a disaster loan, reflecting the borrower's ability to pay. Rule would also harmonize SBA's disaster loan making authority with the Federal Emergency Management Administration's (FEMA) standard flood insurance policy.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29691
NPRM Comment Period End	10/07/88	
Final Action	12/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Bernard Kulik, Deputy Associate Administrator for, Disaster Assistance, Small Business Administration, 1441 L Street, N.W., Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245–AB74

SMALL BUSINESS ADMINISTRATION (SBA) — Final Rule Stage

3348. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to Certificate of Competency regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22015
NPRM Comment Period End	08/12/88	
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Moffitt, Deputy Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245–AA74

3349. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20857
NPRM Comment Period End	08/08/88	
Final Action	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street,

SBA **Final Rule Stage**

NW, Washington, DC 20416, 202 653-6373

RIN: 3245–AA83

3350. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32870
NPRM Comment Period End	10/30/87	
Final Action	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245–AA84

3351. SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	01/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AA88

3352. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Other, Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245–AB12

3353. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	12/22/86	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Fiscal Year (FY) 1988 Continuing Resolution on Appropriations prohibits the Small Business Administration from using appropriated funds to adopt or implement any rules or regulations for the Small Business Development Center program. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 89 Appropriations legislation.

Agency Contact: Janice Wolf, Deputy Associate Administrator for Business Development, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245–AB17

3354. PROGRAM FRAUD CIVIL REMEDIES REGULATIONS

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 13 CFR 141

Legal Deadline: NPRM, Statutory, April 21, 1987.

Abstract: Regulations implementing the Program Fraud Civil Remedies Act

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19156
NPRM Comment Period End	06/22/87	52 FR 19156
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, 202 653-6573

RIN: 3245–AB27

3355. SMALL BUSINESS SIZE STANDARDS FOR CONSTRUCTION

Significance: Regulatory Program

Legal Authority: PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Rule to amend size standards for the construction industry division (except heavy construction, not elsewhere classified, and dredging). Size standard amendments and subcontracting limitations are made pursuant to requirements in PL 99-591 and PL 99-661.

SBA

Final Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	03/17/87	52 FR 08261
ANPRM Comment Period End	04/16/87	52 FR 08261
NPRM	12/17/87	52 FR 47937
NPRM Comment Period End	02/16/88	
Final Action	10/00/88	
Final Action Effective	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gene VanArsdale, Director, Office of Procurement Policy and Liaison, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, D.C. 20416, 202 653-6588

RIN: 3245–AB38

3356. SMALL BUSINESS SIZE STANDARDS: NONMANUFACTURERS

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for nonmanufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15232
NPRM Comment Period End	05/13/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB58

3357. SMALL BUSINESS SIZE STANDARDS: AIRCRAFT, GUIDED MISSILES, AND SPACE VEHICLE RESEARCH AND DEVELOPMENT

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes small business size standard for aircraft, guided missiles and space vehicles.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/88	53 FR 10244
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB59

3358. SMALL DISADVANTAGED BUSINESS STATUS APPEALS PROCEDURES

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); PL 99-66, Sec 1207(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Procedural rules to be used whenever SBA is asked to make a determination concerning disadvantaged status of a small business concern.

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21482
NPRM Comment Period End	07/08/88	
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph Montes, Acting, Associate Administrator for Minority Small, Business & Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, DC 20416, 202 653-6407

RIN: 3245–AB63

3359. ● SMALL BUSINESS SIZE STANDARDS: SIZE STANDARD FOR COMMODITY CONTRACTS BROKERS AND DEALERS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishment of size standard of $3.5 million annual receipts for commodity contracts brokers and dealers, Standard Industrial Classification (SIC) Code 6221, for which no size standard exists at present.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/88	53 FR 29876
Final Action	02/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB72

3360. ● SMALL BUSINESS SIZE STANDARDS FOR SURVEYING AND MAPPING SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591, Sec 921; PL 99-661, Sec 921

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of size standards for surveying and mapping services pursuant to the National Defense Authorization Act of 1987 (PL 99-661). Purpose of the review is to ensure that small business set-aside plus 8(a) contracts together account for no more than approximately 30 percent of the total value of Federal contracts for each industry covered by the legislation. Adjustment of the size standard for both surveying and mapping services in Standard Industrial Classification (SIC) Code 8713 to $.75 million in gross annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30689
NPRM Comment Period End	09/14/88	
Final Action	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

SBA — **Final Rule Stage**

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, **202 653-6373**

RIN: 3245–AB75

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

3361. SURETY BOND GUARANTEE REGULATIONS

Legal Authority: 15 USC 634(b)(6); 15 USC 694b(d)

CFR Citation: 13 CFR 115

Legal Deadline: None

Abstract: Revision of the existing regulations for SBA's Surety Bond Guarantee Program. These changes will allow SBA to vary the percentage of its guarantee depending upon SBA's experience with the surety company requesting the guarantee. It also makes the fee which SBA charges for its guarantee negotiable.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/83	48 FR 37658
ANPRM Comment Period End	10/19/83	
NPRM	08/21/85	50 FR 33766
NPRM Comment Period End	10/21/85	
Final Action	08/24/88	53 FR 32195
Technical correction	09/08/88	53 FR 34872
Final Action Effective	10/24/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Howard F. Huegel, Director, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Arlington, VA 22203, **703 235-2900**

RIN: 3245–AA20

3362. CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Legal Deadline: None

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period End	10/30/84	
Final Action	05/31/88	53 FR 19752
Final Action Effective	07/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, **202 653-6050**

RIN: 3245–AA21

3363. SIZE STANDARDS; TRAVEL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to modify proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27192
NPRM Comment Period End	09/29/86	
Final Action	05/25/88	53 FR 18820
Final Action; correction	06/08/88	53 FR 21547
Final Action Effective	06/24/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, **202 653-6373**

RIN: 3245–AA58

3364. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 18008

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Rules for conducting a two year pilot program through which debentures guaranteed under section 503 of the Small Business Investment Act and interests in pools of debentures issued under section 504 of that Act are sold to investors through public sale or private placement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/87	52 FR 27672
Interim Final Rule	07/23/87	52 FR 27672
Final Action	03/30/88	53 FR 10242
Final Action Effective	03/30/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, 202 **653-6416**

RIN: 3245–AB10

3365. SMALL BUSINESS SIZE STANDARDS; MODIFICATION OF SIZE STANDARDS TO MAKE EXISTING SIZE STANDARDS COMPATIBLE WITH NEW STANDARD INDUSTRIAL CLASSIFICATION SYSTEM (SIC)

Significance: Regulatory Program

Legal Authority: 15 USC 637(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None
This deadline was created by OMB's publication of comprehensive changes to the Standard Industrial Classification Code System, effective 1/1/87.

SBA

Completed Actions

Abstract: The SBA is modifying its size standards to conform with the newly revised SIC system which has been revised by the Office of Management and Budget effective January 1, 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/87	52 FR 397
Final Action	05/25/88	53 FR 18821
Final Action Effective	07/01/88	
Final Action; correction	07/13/88	53 FR 26426

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, **202 653-6373**

RIN: 3245–AB19

3366. DEFINITION OF SMALL BUSINESS FOR DREDGING

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: Other, Judicial, November 3, 1986.
This change is in response to an order from the District Court for the District of Columbia which set aside the current dredging size standard ($13.5 million) but left in place the previous size

Abstract: To clarify for the public and others who use SBA size standards that as of November 3, 1986, the applicable size standard for the dredging industry will be $9.5 million average annual receipts. To raise size standard to $13.5 million for all future dredging contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/86	51 FR 44036
Begin Review	10/15/87	
End Review	04/15/88	
Final Action	08/25/88	53 FR 32370
Final Action Effective	09/15/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Final rule raising size standard to $13.5 million.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, **202 653-6373**

RIN: 3245–AB23

3367. BUSINESS LOANS; SMALL BUSINESS LENDING COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed rule change would treat a Small Business Lending Company (SBLC) as other lenders which participate with the Small Business Administration in making SBA guaranteed loans. It would also clarify that an SBLC could participate in the secondary market and could assemble pools comprised of SBA guaranteed portions of loans made by others as well as pools of loans it has generated.

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19155
NPRM Comment Period End	06/22/87	52 FR 19155
Withdrawn	08/15/88	
Final Action	10/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jean P. LaForce, Acting Director, Office of Financial Institutions, Small Business Administration, 1441 L Street, N.W., Room 800, Washington, D.C. 20416, **202 653-2585**

RIN: 3245–AB40

3368. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS; PROPOSED REVISION OF CIRCULAR A-102

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: The regulation establishes a uniform administrative rule for the Small Business Administration's cooperative agreements and State grants.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	52 FR 21824
NPRM Comment Period End	08/10/87	52 FR 21820
Final Action	03/11/88	53 FR 8034
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, **202 653-6573**

RIN: 3245–AB41

3369. BUSINESS LOAN POLICY

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Would permit SBA to suspend or revoke privilege of lenders, brokers, dealers and registered holders to sell or otherwise deal in section 7(a) secondary market loan or pool certificates for significant violations of secondary market rules and regulations and for certain other offenses. Would also clarify disclosure requirements and modify requirements for pool assembler eligibility.

Timetable:

Action	Date	FR Cite
NPRM	11/04/87	52 FR 42305
NPRM Comment Period End	12/04/87	52 FR 42305
Final Action	03/08/88	53 FR 7343
Final Action Effective	03/08/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Alan S. Mandel, Assistant Deputy Associate Administrator, for Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, **202 653-6696**

RIN: 3245–AB48

3370. SMALL BUSINESS SIZE STANDARDS: SHIP HULL CLEANING

Legal Authority: 15 USC 634(b)(6)

SBA **Completed Actions**

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review Ship Hull Cleaning Industry for Size Standards purposes.

Timetable:

Action	Date	FR Cite
Begin Review	01/15/88	
Withdrawn discontinued study	04/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB55

3371. SMALL BUSINESS SIZE STANDARDS: MOBILE AND MODULAR BUILDING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of mobile and modular building industry for size standards purposes.

Timetable:

Action	Date	FR Cite
Begin Review	01/15/88	
Withdrawn Discontinued study	04/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB56

3372. REVOLVING LINE OF CREDIT

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Rule would establish a pilot program for the creation of an SBA-guaranteed revolving line of credit.

Timetable:

Action	Date	FR Cite
Withdrawn	05/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator, Financial Assistance Division, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6574

RIN: 3245–AB65

3373. ● CONFLICT OF INTEREST

Legal Authority: 15 USC 634; EO 11222

CFR Citation: 13 CFR 105

Legal Deadline: None

Abstract: Proposed changes to SBA's Standards of Conduct regulations in accordance with a Government-wide policy regarding exceptions to the prohibition of acceptance of food and refreshments by Executive Branch employees from prohibited sources. Rule provides that SBA employees may accept food and refreshments under certain limited specified circumstances.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24727
NPRM Comment Period End	08/01/88	
Final Action	10/04/88	53 FR 38941
Final Action Effective	10/04/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael F. Kinkead, Alternate Agency Ethics Official, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6381

RIN: 3245–AB73

[FR Doc. 88-21003 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XLI

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has two regulations under development and also has published a notice of intent with regard to a third regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

Executive Vice President and Chief Operating Officer.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3374. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, TN 37828, 615 632-1585

RIN: 3316–AA02

3375. ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Final, Statutory, October 1988.
The royalty-sharing program under the statute must be implemented if the alternative program has not been implemented by October 1988; however, the statute does not preclude (cont)

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: implementations of an alternative program at a later date.

Agency Contact: H. Brown Wright, Program Manager (Technology Commercialization), Tennessee Valley Authority, 400 West Summit Hill Drive, EP D45 C-K, Knoxville, TN 37902, 615 632-2871

RIN: 3316–AA05

3376. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: 18 CFR Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Freddie L. Hogan, Supervisor, Contracts and Community Assistance Section, Tennessee Valley Authority, 49 E&D Building, Muscle Shoals, AL 35660, 615 632-2665

RIN: 3316–AA13

[FR Doc. 88-21004 Filed 10-21-88; 8:45 am]
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federal register

Monday
October 24, 1988

Part XLII

Veterans Administration

Semiannual Regulatory Agenda

VETERANS ADMINISTRATION (VA)

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development, or revision during the 12-month period from October 1988 to October 1989. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: 38 CFR: M'Liz McLendon, (202) 233-3770; 48 CFR, Chapter 8: Sunny Huff, (202) 233-4240.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of Executive Order 12291; however, all of this Agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive Order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Bulletin 88-15.

Dated: August 22, 1988.
By direction of the Administrator.

Linda M. Combs,

Acting Associate Deputy Administrator for Management.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3377	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
3378	Confidential Quality Assurance Program Records and Documents	2900-AC27
3379	Veterans Administration Health Professional Scholarship Program	2900-AC66
3380	Contract Medical Care	2900-AC69
3381	Transportation of Claimants and Beneficiaries	2900-AC70
3382	Grants to States for State Extended Care Facilities	2900-AD16
3383	Expanded Eligibility for 30-40 Percent Service-Connected Veterans	2900-AD41
3384	Eligibility for Dental Care for Former POWs	2900-AD43
3385	Recreation Facilities to be Considered VA Facilities	2900-AD44
3386	Treatment of U.S. Veterans Who Are Not U.S. Citizens	2900-AD45
3387	Increasing the Domiciliary Income Limitation	2900-AD46
3388	Providing Emergency Hospital Care to Community Nursing Home Patients	2900-AD47
3389	Operation of Child Care Centers at VA Facilities	2900-AD48
3390	Nondiscrimination Against Alcohol and Drug Abusers and Persons Infected with the HIV	2900-AD49
3391	Employee Fiduciaries	2900-AB50
3392	Claims Based on Exposure to Ionizing Radiation or Dioxin	2900-AB64
3393	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3394	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
3395	Computation of Entitlement Under Chapter 31	2900-AC08
3396	Providing an Initial Evaluation for a Veteran not Residing in a State	2900-AC46
3397	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
3398	Extension of Time Limit for Claims	2900-AC61
3399	Compliance with Civil Rights Provisions	2900-AC72
3400	Training Outside of State Under 38 CFR 21.130	2900-AC73
3401	Veterans Education; Amendments Needed to Implement Pub. L. 99-576	2900-AC76
3402	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
3403	Loans to Purchase Manufactured Homes	2900-AC85
3404	VA Home Loan Credit Standards; New SAH Grant	2900-AC90
3405	Veterans Education; Effect of Internal VA Reorganization	2900-AD04
3406	Definition of Fraud	2900-AD19
3407	Due Process	2900-AD27
3408	Placing Use of the Vocational Rehabilitation Panel on a Discretionary Basis	2900-AD29
3409	Assumption of VA Guaranteed Loans	2900-AD30
3410	Processing of VA Appraisals by Designated Lenders	2900-AD31
3411	Qualification Requirements for VA Fee Appraisers	2900-AD32
3412	Requirements for Nonsupervised Automatic Lenders	2900-AD33

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3413	Allowable Fees and Charges for VA Guaranteed Loans	2900-AD34
3414	Full Disclosure of Beneficiary's Income and Assets	2900-AD35
3415	Payment of Guaranty Claims	2900-AD39
3416	Evidence Suitable to Establish Dependents	2900-AD52
3417	Diseases Subject to Presumptive Service-Connection	2900-AD53
3418	Veterans Education; Due Process Following Loss of Dependent	2900-AD58
3419	Basic Eligibility Determinations: Education	2900-AD60
3420	Veterans Education; Determination of Training Time During Nonstandard Terms	2900-AD61
3421	Veterans Education; Restrictions on Making VEAP Payments to Servicepersons	2900-AD62
3422	Veterans Education; Veterans Employment, Training and Counseling Amendments of 1988	2900-AD63
3423	Veterans Special Life Insurance--Premiums	2900-AD64
3424	Optional Settlements on Insurance--Calculations	2900-AD65
3425	Reservists Education; Veterans' Benefits and Services Act of 1988 and the Montgomery GI Bill	2900-AD68
3426	Veterans Education; Veterans' Benefits and Services Act of 1988 and the Vietnam Era GI Bill	2900-AD69
3427	Definition of Former Prisoner of War	2900-AD71
3428	Appeals Regulations and Rules of Practice; Cutoff Date for Acceptance of Evidence	2900-AD14
3429	Equal Access to Justice; Procedural Rules	2900-AC33
3430	Committee on Waivers and Compromises	2900-AD50
3431	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities	2900-AB51
3432	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities	2900-AB87
3433	Inventions by Employees of VA, Authority Delegations	2900-AD51
3434	Indemnification of Veterans Administration Employees	2900-AD70
3435	Protection of Archaeological Resources	2900-AC26
3436	Predisclosure of Confidential Commercial Information	2900-AD09

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3437	Community Residential Care	2900-AB32
3438	Automobile Allowance and Adaptive Equipment Eligibility; Devices to Overcome the Handicap of Deafness	2900-AD08
3439	Employment Services for Certain Eligible Veterans	2900-AB89
3440	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
3441	Use of Educational Assistance Benefits as a Part of a Vocational Rehabilitation Program	2900-AC41
3442	Systemic Diseases, et al	2900-AC57
3443	Extension of the Independent Living Services Program	2900-AC82
3444	Veterans Education; Increase in Rates Payable in the EATP	2900-AD23
3445	Determination of Service-Connection for Impaired Hearing	2900-AD54
3446	Veterans Education; Waiver of the 85-15 Percent Ratio Requirement	2900-AD56
3447	Veterans Education; Forfeiture of Education Benefits	2900-AD57
3448	Veterans Education; Payments During Breaks in Enrollment	2900-AD59
3449	Acquisition Regulations Relating to Cost Comparisons	2900-AC37
3450	Veterans Administration Acquisition Regulation - Consulting Service	2900-AC86
3451	Acquisition Regulations; Construction Contracting Procedures	2900-AC87
3452	Appeals Regulations and Rules of Practice- Status of Legal Interns, Law Students and Paralegals	2900-AC11
3453	Appeals Regulations and Rules of Practice - Hearing Date	2900-AC88
3454	Effect of General Counsel Opinions	2900-AB22
3455	Recognition of Organizations, Representatives, Agents, and Attorneys	2900-AC89
3456	Claims Under the Federal Tort Claims Act	2900-AD15
3457	Uniform Relocation Assistance Act for Real Property Acquisition and Federally Assisted Programs	2900-AD37
3458	Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use	2900-AC63

VA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3459	Use of Community Nursing Home Facilities	2900-AB21
3460	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
3461	Investments by Legal Custodians	2900-AB77
3462	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
3463	Amendment of Forfeiture Regulations	2900-AC01
3464	Collection of Late Fees and Interest Penalties for VA Funding Fees	2900-AC03
3465	Increased Coverage for Servicemen's and Veteran's Group Life Insurance	2900-AC06
3466	Use of Credit Reports for Refinancing and Rescheduling of VA-Guaranteed Loans and Claim Submissions	2900-AC19
3467	Procedural Due Process	2900-AC54
3468	Evaluations for Diplopia (Double Vision)	2900-AC58
3469	Vocational Rehabilitation Panel	2900-AC75
3470	Veterans Education; Amendments to VEAP Required by the Veterans Benefits Improvement and Health Care Authorization Act of 1986	2900-AC81
3471	Improvements in Veterans' Benefits	2900-AC99
3472	Homeless Claimants	2900-AD00
3473	Loan Guaranty: Increase in Maximum Allowable Amount the VA Will Reimburse a Loan Holder for Legal Services Incurred in Terminating a Loan	2900-AD01
3474	Veterans Education; Revision of Delimiting Dates	2900-AD02
3475	Veterans Education; Homeless Claimants	2900-AD21
3476	Veterans Education; Clarification of Administrative Error	2900-AD22
3477	Veterans Education; Clarification of Mitigating Circumstances	2900-AD24
3478	Homeless Claimants for Vocational Rehabilitation	2900-AD28
3479	Servicemen's Group Life Insurance and Veteran's Group Life Insurance--Applications	2900-AD66
3480	Active Military Service Certified as Such Under Section 401 of Pub. L. 95-202	2900-AD67
3481	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
3482	Standards Implementing the Program Fraud Civil Remedies Act	2900-AC92
3483	Nonprocurement Debarment and Suspension	2900-AD06
3484	Parking Fees at VA Medical Facilities	2900-AD05

VETERANS ADMINISTRATION (VA)

Proposed Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3377. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AB61

3378. CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151; 38 USC 4152

CFR Citation: 38 CFR 17.500 to 17.540

Legal Deadline: None

Abstract: Final regulations implementing 38 USC 3305 were made effective Oct. 22, 1982. Those regulations govern the VA's QA (quality assurance) program activities and records and documents which are made confidential and privileged. Sec. 3305 prohibits the VA from designating any QA program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Pub. L. 99-166 amends 38 USC 4151 and 4152 to require that QA program activities include and evaluation of the quality of surgical care in DM&S, as evidenced by

outcome measures of mortality and morbidity; a report to Congress indicating deficiencies in the quality of care is required. 38 USC 3305 was amended to clarify that aggregate statistical data is not to be made confidential provided individuals are not identified. The existing regulations do not include a description of the VA Medical District Initiated Peer Review Organization (MEDIPRO) program which is an integral element of the quality assurance program. No alternatives are being considered. There are no potential costs to the action. The benefits would be in the form of programmatic improvements.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lubran, Health System Specialist, Veterans Administration, Department of Medicine and Surgery (10Q), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3115**

RIN: 2900–AC27

3379. VETERANS ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Significance: Regulatory Program

Legal Authority: 38 USC 4301 to 4336

CFR Citation: 38 CFR 17.600

Legal Deadline: None

Abstract: Current regulations set forth requirements for awarding scholarships to students receiving academic training in the disciplines of medicine, osteopathy, and nursing, and if needed by the VA, students in other specified health care disciplines. Regulations are being amended to include requirements for awarding scholarships to students in disciplines currently specified as well as to students in other health care disciplines. Proposed regulations also revise selection of participants to indicate priority for individuals entering final year of training, and revise length of service obligation for full-time student participants to be one year for each year or part of a year individual was provided an award.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte Beason, Ed.D., Director, Health Professional Scholarship, Program, Veterans Administration, Department of Medicine & Surgery (14N), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3588**

RIN: 2900–AC66

3380. CONTRACT MEDICAL CARE

Significance: Regulatory Program

Legal Authority: PL 99-576

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Legal Deadline: None

Abstract: The VA and the Department of Health and Human Services will be proposing to amend applicable regulations to permit the VA to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by the VA are consistent with those made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AC69

3381. ● TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.100

Legal Deadline: None

Abstract: These proposed regulations will implement Section 108 of Pub. L. 100-322 which provides that the Administrator of Veterans Affairs shall make payments for travel during the fiscal year for examination, treatment or care for which the person is eligible or in connection with vocational rehabilitation provided pursuant to Chapter 31 of Title 38 USC.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AC70

3382. GRANTS TO STATES FOR STATE EXTENDED CARE FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 100-322

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: None

Abstract: Pub. L. 100-322 changed the date of the priority list for applications from July 1 to August 15. The deadline for applications is August 1. Also, the Administrator of Veterans Affairs is provided authority to conditionally award construction grants. If a state does not complete requirements within 90 days after conditional approval, funds will be deobligated. These proposed regulations will implement that change. Construction standards in 38 CFR 17.177 are being totally reformatted, revised and updated. The veteran population in 38 CFR 17.171 Appendix A is being updated to reflect the current information. Additionally, provisions are being established to handle large grant requests where one project may exceed the annual appropriation. Requests for projects exceeding one-half the annual appropriation will receive lower priority on the list and may be partially funded if funds are available and the project ranks high enough on the priority list for Federal funds.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Brent Baker, Chief, State Home Construction Grants, Ofc of Geriatrics and Extended Care, Veterans Administration, Department of Medicine and Surgery (182C), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3679**

RIN: 2900–AD16

3383. ● EXPANDED ELIGIBILITY FOR 30-40 PERCENT SERVICE-CONNECTED VETERANS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.60

Legal Deadline: None

Abstract: The proposed regulations will implement the provisions in Section 101 of Pub. L. 100-322 which provides that outpatient medical services on an ambulatory or outpatient basis shall be furnished to a specified group of veterans in preparation for hospital admission or to obviate the need for hospital admission.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD41

3384. ● ELIGIBILITY FOR DENTAL CARE FOR FORMER POWS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.123(d)

Legal Deadline: None

Abstract: These proposed regulations implement Section 106 of Pub. L. 100-322 which provides that outpatient dental services and treatment and related dental appliances, shall be furnished for a dental condition or disability from which a veteran, who is a former POW and who was detained or interned for a period of not less than 90 days, is suffering.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD43

3385. ● RECREATION FACILITIES TO BE CONSIDERED VA FACILITIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.30(w)

Legal Deadline: None

Abstract: The proposed regulations amend the definition of VA facilities as required by Pub. L. 100-322 to include public or private facilities at which the Administrator of Veterans Affairs provides recreational activities for patients receiving hospital, nursing home or domiciliary care.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD44

3386. ● TREATMENT OF U.S. VETERANS WHO ARE NOT U.S. CITIZENS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: The proposed regulations implement Section 105 of Pub. L. 100-322 which provides that a veteran residing in Canada, who is eligible for hospital care and medical services, is provided such care and services for a service-connected condition or as a part of a rehabilitation program under Chapter 31 of Title 38 USC.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD45

3387. ● INCREASING THE DOMICILIARY INCOME LIMITATION

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.47; 38 CFR 17.48

Legal Deadline: None

Abstract: The proposed regulations implement Section 102 of Pub. L. 100-322 which provides that domiciliary care may be provided to veterans whose incomes do not exceed the maximum applicable rate of pension for a veteran in need of regular aid and attendance.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD46

3388. ● PROVIDING EMERGENCY HOSPITAL CARE TO COMMUNITY NURSING HOME PATIENTS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.506(3)

Legal Deadline: None

Abstract: These proposed regulations implement Section 104 of Pub. L. 100-322 which provides that hospital care for the treatment of medical emergencies is authorized for veterans receiving care in a community nursing home until such time as the veteran can be safely transferred to a VA facility.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD47

3389. ● OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: PL 100-322, Sec 412

CFR Citation: 38 CFR 17.162 (New)

Legal Deadline: None

Abstract: Section 412 of Pub. L. 100-322 authorizes the Veterans Canteen Service to operate child care centers at VA facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of the VA. The centers will be available for the children of VA employees and, to the extent space is available, the children of other Federal and VA-affiliated employees. Also, these centers should provide an incentive for VA personnel recruitment. The proposed regulations will prescribe the requirements and standards for the operation of VA child care centers.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Brenda L. Jenkins, Administrative Dietitian, Veterans Canteen Service, Veterans Administration, Department of Medicine and Surgery (133B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 376-8149**

RIN: 2900–AD48

3390. ● NONDISCRIMINATION AGAINST ALCOHOL AND DRUG ABUSERS AND PERSONS INFECTED WITH THE HIV

Legal Authority: 38 USC 4133; PL 100-322, Sec 122

CFR Citation: 38 CFR 17.48(k)

Legal Deadline: None

Abstract: This regulation is being amended to comply with Pub. L. 100-322, section 121, which prohibits the discrimination in admission or treatment in any VA health care facility, of veterans who are eligible for treatment and who are alcohol or drug abusers or are infected with human immunodeficiency virus.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2504**

RIN: 2900–AD49

DEPARTMENT OF VETERANS BENEFITS

3391. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AB50

3392. ● CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION OR DIOXIN

Legal Authority: PL 98-542

CFR Citation: 38 CFR 3.311a; 38 CFR 3.311b

Legal Deadline: None

Abstract: These amendments expand the list of radiogenic diseases and modify certain manifestation periods for radiation-related cancers. Minor technical clarifications are also included.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AB64

3393. 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AB75

3394. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AB76

3395. COMPUTATION OF ENTITLEMENT UNDER CHAPTER 31

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: To establish a specific method for determining entitlement changes under chapter 31. In view of the number of education and training programs now authorized under title 38, a specific statement of chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AC08

3396. PROVIDING AN INITIAL EVALUATION FOR A VETERAN NOT RESIDING IN A STATE

Legal Authority: 38 USC 111; 38 USC 1506

CFR Citation: 38 CFR 21.100; 38 CFR 21.376

Legal Deadline: None

Abstract: An initial evaluation is provided each veteran requesting assistance under the vocational rehabilitation program. The purpose of the initial evaluation is to determine eligibility and entitlement to vocational rehabilitation and plan a program of vocational rehabilitation for eligible veterans. The initial evaluation is provided by VA counseling psychologists in the United States. Since interpersonal discussion is the essence of counseling, providing an initial evaluation to a veteran residing overseas by a VA counselor located in this country poses logistical and other problems. We are proposing that current regulations be amended to allow for greater flexibility in providing initial evaluations to veterans not residing in a state, including those veterans residing overseas. The alternatives to the present system include, but are not limited to contracting with qualified counseling staff located in the area in which the veteran resides, to conduct a part of the evaluation. All decisions as to eligibility for services would continue to be made by VA staff.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AC46

3397. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None

Abstract: The VA is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which the VA administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way the VA is implementing this Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational

Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AC52

3398. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None

Abstract: Under current rules a veteran's request for assistance under the vocational rehabilitation program may be adversely affected if the veteran fails to timely provide information requested by the VA even if the VA did not inform the veteran of the time limits for providing the information requested. The VA is proposing to change these rules to extend the period during which evidence may be submitted if the VA did not inform the veteran of the time limits for submitting the requested information.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AC61

3399. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions require that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in non-compliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Veterans Administration. We propose to amend 38 CFR 21.324 to reflect this new requirement. This proposed regulatory amendment includes the provisions of RIN 2900-AC40, which was withdrawn from the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 2900-AC40, Reduction or Termination Dates of Subsistence Allowance, has been merged with this RIN.

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AC72

3400. TRAINING OUTSIDE OF STATE UNDER 38 CFR 21.130

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None

Abstract: The provision of training outside a state is subject to certain limitations not applicable to training pursued within the United States. The VA is proposing to amend these provisions in the case of veterans who wish to become employed outside the United States. The purpose of the change is to help assure that vocational rehabilitation services lead to suitable employment given the special problems inherent in providing vocational rehabilitation programs outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AC73

3401. VETERANS EDUCATION; AMENDMENTS NEEDED TO IMPLEMENT PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.3046; 38 CFR 21.4022; 38 CFR 21.4100; 38 CFR 21.4101; 38 CFR 21.4102; 38 CFR 21.4104; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4138; 38 CFR 21.4230; 38 CFR 21.4231; 38 CFR 21.4232; 38 CFR 21.4233; ...

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the administration of Dependents' Educational Assistance and benefits provided under the Vietnam Era GI Bill. The most important provisions include a change to the way in which the VA must measure certain courses which do not lead to a standard college degree; a change in the way the eligibility period is determined for some spouses eligible to receive Dependents' Educational Assistance; and a change to the provision governing receipt of benefits under the Vietnam Era GI Bill and other education programs administered by the VA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AC76

3402. SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None

Abstract: Present regulations authorize the Administrator to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Administrator to have engaged in contracts of sale or methods or

practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC83

3403. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC85

3404. VA HOME LOAN CREDIT STANDARDS; NEW SAH GRANT

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq.; 38 CFR 4300 et seq.; 38 CFR 4400 et seq.

Legal Deadline: None

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that VA home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC90

3405. VETERANS EDUCATION; EFFECT OF INTERNAL VA REORGANIZATION

Legal Authority: 38 USC 212

CFR Citation: 38 CFR 2.76; 38 CFR 2.80; 38 CFR 2.81; 38 CFR 2.82; 38 CFR 2.98; 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.162; 38 CFR 21.222; 38 CFR 21.254; 38 CFR 21.256; 38 CFR 21.258; 38 CFR 21.292; 38 CFR 21.382; ...

Legal Deadline: None

Abstract: The Vocational Rehabilitation and Counseling Service and the Education Service within the Department of Veterans Benefits of the VA have been merged. Many regulations make specific reference to either the Director, Education Service or the Director, Vocational Rehabilitation and Counseling. The amended regulations will replace all references to the Director, Education Service, and the Director, Vocational Rehabilitation and Counseling Service, with reference to the Director, Vocational Rehabilitation and Education Service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD04

3406. DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1

Legal Deadline: None

Abstract: The definition of fraud, except for forfeiture purposes, is being placed in the general definitions section and includes acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information. This is a new proposal based on comments the agency received on its original proposal under RIN 2900-AC01.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD19

3407. DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 21.420

Legal Deadline: None

Abstract: The VA is proposing to bring procedures for informing veterans of changes in payments for dependents into conformity with the decision of the courts. Under the proposed change, the VA will provide 60 days advance notice if the veteran loses benefits being paid for a dependent in certain cases.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AD27

3408. PLACING USE OF THE VOCATIONAL REHABILITATION PANEL ON A DISCRETIONARY BASIS

Legal Authority: 38 USC 1504(a); 38 USC 1505(a); 38 USC 1506(a); 38 USC 1520

CFR Citation: 38 CFR 21.62; 38 CFR 21.74; 38 CFR 21.76; 38 CFR 21.52; 38 CFR 21.53

Legal Deadline: None

Abstract: Under current provisions, use of the Vocational Rehabilitation Panel is required in certain instances. The role of the Panel is to assist in helping seriously disabled veterans successfully pursue a rehabilitation program. The requirement for consultation was a sound policy when the vocational rehabilitation program was substantially revised and broadened in 1980. As staff have gained experience with the new policies which resulted from the revision of the rehabilitation program in 1980, the need for consultation in every case has decreased. Current field experience indicates that placing use of the Panel on a discretionary basis is in the interest of the veteran and the government.

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900–AD29

3409. ASSUMPTION OF VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1802(b); PL 100-198

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4200

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that assumers of VA loans committed to on or after March 1, 1988, meet certain criteria, including credit underwriting, before the assumption may take place. The proposed regulations will place the requirements of the law into regulatory form and will, as required by the law, set timeliness standards for processing assumed loans and the maximum that may be charged for the processing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Acting Assistant Director for Loan, Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900–AD30

3410. PROCESSING OF VA APPRAISALS BY DESIGNATED LENDERS

Legal Authority: 38 USC 210(c); PL 100-198; 38 USC 1810; 38 USC 1810(b)(5); 38 USC 1831

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: Pub. L. 100-198 requires the publication of regulations authorizing certain lenders to process appraisals on VA guaranteed loans. Such lenders will determine the value of the property, based on an appraisal by an appraiser selected by the VA, without VA's approval or review of the appraisal. The regulations will set the criteria for being a designated lender and the procedures to follow.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation, Veterans Administration, Department of Veterans Benefits (262), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2691

RIN: 2900–AD31

3411. QUALIFICATION REQUIREMENTS FOR VA FEE APPRAISERS

Legal Authority: 38 USC 210(c); 38 USC 1831; PL 100-198

CFR Citation: 38 CFR 36.4339

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that certain standards for being designated as a VA fee appraiser be published in regulatory form. The standards are to include the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers. In the past, such requirements have been published in administrative issues other than regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation, Veterans Administration, Department of Veterans Benefits (262), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2691

RIN: 2900–AD32

3412. REQUIREMENTS FOR NONSUPERVISED AUTOMATIC LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1802(d)

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4300

Legal Deadline: None

Abstract: The VA may grant lenders the authority to process loans on the automatic basis if they meet requirements set by the VA. Currently, these requirements are published in administrative issues with release to program participants. The proposed

regulations will place the requirements in regulatory form to ensure proper notice. The requirements will include minimums for such items as working capital, experience of the firm and/or principal officers and its underwriters. These regulations will apply to lenders such as mortgage bankers who are not already under supervision by State or Federal entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD33

3413. ALLOWABLE FEES AND CHARGES FOR VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)

CFR Citation: 38 CFR 36.4312; 38 CFR 36.4254

Legal Deadline: None

Abstract: VA regulations allow the veteran obtaining a VA guaranteed loan to pay the lender making the loan a one percent origination fee (one percent) to cover the processing of the loan. Any other discount points required by the lender are to be paid by someone other than the veteran except in those cases where it is specifically allowed, such as refinancing loans. This regulation would clarify the instances in which a veteran may or may not pay discount points. This regulation change would also clarify that discount points may not be paid by the veteran (except when specifically allowed) to anyone, including the lender, seller or other concerned party.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD34

3414. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-VA income and assets that the fiduciary may be holding on behalf of incompetent VA beneficiaries. It is difficult to determine whether the fiduciary is using the beneficiary's VA assets appropriately unless placed in the context of total income and assets available. The purpose of this regulation is to lessen the potential for fraud, waste and abuse.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AD35

3415. PAYMENT OF GUARANTY CLAIMS

Significance: Regulatory Program

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); PL 100-198

CFR Citation: 38 CFR 36.4319; 38 CFR 36.4320; 38 CFR 36.4321

Legal Deadline: None

Abstract: Regulations will be amended to implement the new requirements for payment of claims. Under the new formulas, VA will exclude from the guaranty claim payment the interest which accrues during periods of forbearance granted at VA's request, and when the veteran files for bankruptcy. As a result, we expect that a number of cases which would result in the lender being required to dispose of the property will instead result in VA acquiring the property and paying a smaller claim. The adjustment in a VA-requested forbearance or bankruptcy situation will only be made if doing so will result in VA offering to acquire the property when the property would otherwise not be acquired by the VA. In cases where VA is at fault for the delay in foreclosure, for example, a failure to provide bidding instructions in a timely manner, VA will also exclude from the calculation as to whether or not VA will acquire the property interest which accrues during the period of delay, but will allow such interest in the computation of the guaranty claim.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard A. Levy, Acting Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900–AD39

3416. ● EVIDENCE SUITABLE TO ESTABLISH DEPENDENTS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.204

Legal Deadline: None

Abstract: This amendment will permit certain civilian employees of the Department of Defense to certify the authenticity of photocopies of documents needed to prove birth, death, marriage and relationship for VA purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36586
NPRM Comment Period End	12/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans

Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD52

3417. ● DISEASES SUBJECT TO PRESUMPTIVE SERVICE-CONNECTION

Legal Authority: PL 100-321; PL 100-322

CFR Citation: 38 CFR 3.309; 38 CFR 3.812

Legal Deadline: None

Abstract: These amendments provide for presumptive service-connection for systemic lupus erythematosus arising within 1 year of discharge for peripheral neuropathy, irritable bowel syndrome and peptic ulcer disease arising in former POWs and for 13 specific cancers arising in certain radiation-exposed veterans. A bar to benefits under section 156 of Pub. L. 97-377 is also removed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD53

3418. ● VETERANS EDUCATION; DUE PROCESS FOLLOWING LOSS OF DEPENDENT

Legal Authority: 38 USC 3012 to 3013

CFR Citation: 38 CFR 21.4132

Legal Deadline: None

Abstract: The VA is considering a veteran's due process rights when the VA is considering reduction of the veteran's educational assistance allowance because the VA has received evidence that the veteran has lost a dependent. This proposal will bring the rights granted such a veteran into agreement with the rights a veteran has when he or she is receiving disability compensation or pension and the VA receives evidence that the veteran has lost a dependent. The effect of this proposal will be to improve and more clearly define procedural due process rights.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD58

3419. ● BASIC ELIGIBILITY DETERMINATIONS: EDUCATION

Legal Authority: 38 USC 1411(a); 38 USC 1412(b); 38 USC 1602; 38 USC 1652(a)

CFR Citation: 38 CFR 3.315

Legal Deadline: None

Abstract: The VA has a regulation which provides authority and guidelines for making a service-connected discharge determination needed to determine eligibility for VA benefits. The VA is considering amending the regulation to add a rule for deciding when such a determination must be made for a veteran who has applied for benefits under the Montgomery GI Bill - Active Duty.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD60

3420. ● VETERANS EDUCATION; DETERMINATION OF TRAINING TIME DURING NONSTANDARD TERMS

Legal Authority: 38 USC 1788(b)

CFR Citation: 38 CFR 21.4272

Legal Deadline: None

Abstract: The law states the number of credit hours in which a veteran must be enrolled in order to be considered a full-time student during a standard term for VA purposes. It does not contain a similar statement for terms which are shorter than standard. The VA has provided for measurement for these accelerated terms through regulation. The VA is considering amendment of that regulation to state how vacation periods are to be considered in measuring enrollments in accelerated terms.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD61

3421. ● VETERANS EDUCATION; RESTRICTIONS ON MAKING VEAP PAYMENTS TO SERVICEPERSONS

Legal Authority: 38 USC 1621; 38 USC 1631

CFR Citation: 38 CFR 21.5134

Legal Deadline: None

Abstract: The law requires that generally, an individual must contribute to the Post-Vietnam Education Assistance Program (VEAP) fund for 12 months in order to receive educational assistance. So as to encourage participation by servicemembers, the VA has permitted a servicemember who meets all the other eligibility requirements to receive educational assistance after he or she has completed 3 months of contributions to the fund or has made a lump-sum payment which is the equivalent of the least 3 months' contributions to the fund. In order to comply with the law it has been the VA's policy to require these servicemembers to establish a continuing allotment so that they eventually will contribute to the fund for 12 months. However, the regulation which mentions the 3 months' contributions does not mention the 12 months' participation requirement. This

has led to instances where servicemembers who have been paid educational assistance, never participated for 12 months. The VA wishes to amend the regulation to correct this.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD62

3422. ● VETERANS EDUCATION; VETERANS EMPLOYMENT, TRAINING AND COUNSELING AMENDMENTS OF 1988

Legal Authority: PL 100-322

CFR Citation: 38 CFR 21.4150-4155; 38 CFR 21.4612; 38 CFR 21.4622; 38 CFR 21.4624; 38 CFR 21.4632

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains provisions which affect the relationship the VA and the State approving agencies have with each other. It contains other provisions which affect the Veterans' Job Training Act. The pertinent regulations must be revised so that they implement the new law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD63

3423. ● VETERANS SPECIAL LIFE INSURANCE–PREMIUMS

Legal Authority: 38 USC 706

CFR Citation: 38 CFR 8.3; 38 CFR 8.85; 38 CFR 8.113

Legal Deadline: None

Abstract: Veterans Special Life Insurance (VSLI) "RS" term policies can be renewed an indefinite number of times. Because of this feature, some insureds have retained this temporary form of protection to meet permanent insurance needs. The problem with this is that at the advanced ages, term insurance premium rates increase significantly and as a result can become financially burdensome. In order to help lessen this burden, regulations are being amended to reflect that premiums for "RS" term policyholders are to be capped at the renewal age 70 premium rate. Funding for "RS" term capping will come exclusively from funds contributed by "RS" term policyholders.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900–AD64

3424. ● OPTIONAL SETTLEMENTS ON INSURANCE–CALCULATIONS

Legal Authority: 38 USC 706

CFR Citation: 38 CFR 6.69(a); 38 CFR 8.80; 38 CFR 8.80(c); 38 CFR 8.81; 38 CFR 8.92(a)

Legal Deadline: None

Abstract: The VA currently pay annuities to approximately 150,000 individuals under all of its insurance programs. Of these, almost 1,500 are calculated using male/female differentiated mortality tables. Gender-differentiated mortality tables provide for lower monthly payments to female annuitants. Under this proposal, we will discontinue using female annuity tables and all new annuity awards will be based on existing male tables. All currently running female annuity payments will be raised to the male annuity payment amount, on a prospective basis.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900–AD65

3425. ● RESERVISTS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE MONTGOMERY GI BILL

Legal Authority: 10 USC 2136(b); 38 USC 1788

CFR Citation: 38 CFR 21.7672

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. This proposal will bring the pertinent regulation governing the Montgomery GI Bill into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD68

3426. ● VETERANS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE VIETNAM ERA GI BILL

Legal Authority: PL 100-322

CFR Citation: 38 CFR 21.4200; 38 CFR 21.4270

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. The VA must bring the pertinent regulations into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD69

3427. ● DEFINITION OF FORMER PRISONER OF WAR

Legal Authority: PL 100-322

CFR Citation: 38 CFR 3.1(y)

Legal Deadline: None

Abstract: This amendment gives the VA the authority to make determinations on prisoner of war status for persons interned during wartime by neutral or allied governments. This expands the class of persons eligible to be declared former prisoners of war.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Service, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD71

BOARD OF VETERANS APPEALS

3428. APPEALS REGULATIONS AND RULES OF PRACTICE; CUTOFF DATE FOR ACCEPTANCE OF EVIDENCE

Legal Authority: 38 USC 4004; 38 USC 4005

CFR Citation: 38 CFR 19.174

Legal Deadline: None

Abstract: This regulation will be amended to specify a cutoff date for the acceptance of additional evidence, requests for hearings or changes of representation once an appeal is transferred to the Board of Veterans Appeals.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special Legal Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AD14

BOARD OF CONTRACT APPEALS/CONTRACT APPEALS BOARD

3429. EQUAL ACCESS TO JUSTICE; PROCEDURAL RULES

Legal Authority: 5 USC 504 The Equal Access to Justice Act; PL 99-80

CFR Citation: 38 CFR 1.790

Legal Deadline: None

Abstract: The Equal Access to Justice Act provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to appeals before the Board of Contract Appeals. An eligible party may receive an award when it prevails over the Government, unless the Government's position was substantially justified or special circumstances make an award unjust. This document describes the standards for eligibility and the procedures for application and processing by the Board.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Sally Pfund, Legal Assistant, Board of Contract Appeals (09), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 275-0430

RIN: 2900–AC33

OFFICE OF BUDGET AND FINANCE

3430. ● COMMITTEE ON WAIVERS AND COMPROMISES

Legal Authority: 38 USC 3102

CFR Citation: 38 CFR 1.955

Legal Deadline: None

Abstract: Currently, a panel of a Committee on Waivers and Compromises is composed of either one, three, or five members. A one-member panel is used for waiver requests on debts of $1,000 or less. The proposed revision will permit one panel member for debts of $20,000 or less and two or three-member panels for debts in excess of $20,000. We believe that this proposed revision will provide the most efficient use of Committee members.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Special Assistant, Veterans Administration, Ofc of Budget and Finance (047F5), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3405

RIN: 2900–AD50

OFFICE OF EQUAL OPPORTUNITY

3431. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the VA is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rodney J. Cash, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900–AB51

3432. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.461, App A

Legal Deadline: None

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rodney J. Cash, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900–AB87

OFFICE OF THE GENERAL COUNSEL

3433. ● INVENTIONS BY EMPLOYEES OF VA, AUTHORITY DELEGATIONS

Legal Authority: 15 USC 3710a; EO 12591

CFR Citation: 38 CFR 1.653, (Revision); 38 CFR 2.83, (Revision)

Legal Deadline: None

Abstract: The amendments to the two regulations cited will delegate authority from the Office of General Counsel (which has the authority, on behalf of the Administrator of Veterans Affairs, to act on all matters pertaining to patents and inventions) to directors of VA medical centers to enter into cooperative research and development agreements (CRDAs) under the Federal Technology Transfer Act of 1986 (15 USC 3710 et. seq.) and EO 12591. EO 12591 provides heads of Federal agencies to delegate the authority to enter into CRDAs to directors of Federal laboratories. Each VA medical center is considered a laboratory as defined in the Act. The delegation will effectuate the purposes of the Act, comply with the Executive Order, and promote cooperative medical research between the VA and the public sector.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (024B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3651

RIN: 2900–AD51

3434. ● INDEMNIFICATION OF VETERANS ADMINISTRATION EMPLOYEES

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 14

Legal Deadline: None

Abstract: This amendment permits the VA to use Agency funds to indemnify employees who suffer adverse money judgments or personal damage claims as the result of official acts. It also provides that attorneys assisting in either authorized Agency representations or the recommending of such employees to the Department of Justice for representation have an attorney-client relationship with respect to the attorney-client privilege. This amendment addresses the proliferation of lawsuits against VA employees in recent years. It is expected to relieve the potential for intimidation among employees who may hesitate to act in the public interest for fear of a lawsuit with personal liability.

Timetable:

Action	Date	FR Cite
NPRM	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

VA — Proposed Rule Stage

Agency Contact: James Adams, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (023A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2060

RIN: 2900–AD70

OFFICE OF FACILITIES

3435. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470ii Archaeological Resources Protection Act

CFR Citation: 38 CFR 27

Legal Deadline: None

Abstract: The Act requires that Federal land managers promulgate rules and regulations consistent with Uniform Regulations as may be appropriate to carry out his/her function and authorities under the Act to protect archaeological resources on Federal lands. This rule making will enable the VA to protect archaeological resources on VA-managed public lands by issuing permits for authorized excavations and/or removal of archaeological resources, by imposing civil penalties for unauthorized excavation, removal, alteration, damage or defacement of archaeological resources, by providing for the preservation of archaeological collections and data, and by ensuring confidentiality of information about archaeological resources when disclosure would threaten the resources.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Gloria Weisgerber, Acting Historic Preservation Officer, Office of Facilities (086B), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3447

RIN: 2900–AC26

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3436. PREDISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4); EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in agency regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald R. Howell, Management Analyst, Veterans Administration, Ofc of Information Mgmt and Statistics (733), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-4243

RIN: 2900–AD09

VETERANS ADMINISTRATION (VA) — Final Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3437. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR 17.51h to 17.51q

Legal Deadline: None

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	53 FR 9778
NPRM Comment Period End	04/25/88	53 FR 9778
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine & Surgery (181), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3692

RIN: 2900–AB32

3438. AUTOMOBILE ALLOWANCE AND ADAPTIVE EQUIPMENT ELIGIBILITY; DEVICES TO OVERCOME THE HANDICAP OF DEAFNESS

Legal Authority: 38 USC 1901; 38 USC 1902; 38 USC 1903; 38 USC 617(b)

CFR Citation: 38 CFR 3.807; 38 CFR 3.808; 38 CFR 17.115d; 38 CFR 17.119

Legal Deadline: None

Abstract: This proposal would amend the VA adjudication and medical regulations concerning the automobile allowance and adaptive equipment eligibility for certain severely disabled individuals. These amendments are necessary to implement provisions of law and to properly divide regulatory responsibility for these programs consistent with agency organizational and functional alignments. The effect of

these amendments will be to extend automobile adaptive equipment eligibility for certain severely disabled persons, more clearly define program responsibility, and more accurately describe prerequisites for obtaining devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders).

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28020
NPRM Comment Period End	08/19/88	53 FR 28020
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frederick Downs, (121)(for Part 17); Robert M. White (211B) (for Part 3), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2011**

RIN: 2900–AD08

DEPARTMENT OF VETERANS BENEFITS

3439. EMPLOYMENT SERVICES FOR CERTAIN ELIGIBLE VETERANS

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Legal Deadline: None

Abstract: The VA has determined that employment assistance may be provided a veteran eligible for chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	02/02/88	53 FR 2855
NPRM Comment Period End	03/03/88	53 FR 2855
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2886**

RIN: 2900–AB89

3440. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The VA, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	52 FR 300
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AC10

3441. USE OF EDUCATIONAL ASSISTANCE BENEFITS AS A PART OF A VOCATIONAL REHABILITATION PROGRAM

Legal Authority: 38 USC 1508(f)

CFR Citation: 38 CFR 21.22; 38 CFR 21.264

Legal Deadline: None

Abstract: A veteran eligible for assistance under the vocational rehabilitation program (chapter 31, Title 38 USC) and under the all volunteer force educational assistance program (chapter 30, Title 38 USC) may elect to pursue a program of education under chapter 30 as a part of a vocational rehabilitation program under chapter 31. A veteran making such an election would only receive benefits otherwise payable under chapter 30.

Timetable:

Action	Date	FR Cite
NPRM	08/11/88	53 FR 30314
NPRM Comment Period End	09/12/88	53 FR 30314
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2886**

RIN: 2900–AC41

3442. SYSTEMIC DISEASES, ET AL

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.16; 38 CFR 4.29; 38 CFR 4.30; 38 CFR 4.88a

Legal Deadline: None

Abstract: These changes clarify temporary total disability awards based on hospitalization, unemployability ratings in psychiatric cases, and provide new schedules for rating

numerous systemic diseases including acquired immune deficiency syndrome (AIDS).

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18099
NPRM Comment Period End	06/20/88	53 FR 18099
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AC57

3443. EXTENSION OF THE INDEPENDENT LIVING SERVICES PROGRAM

Legal Authority: 38 USC 1520; PL 99-576

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294

Legal Deadline: None

Abstract: The program of independent living services has been extended through FY 89. The current rules governing this program are amended to incorporate the statutory extension of the program, and make other changes to simplify and improve program administration. These proposed changes reflect, in part, reductions in reporting requirements previously required under the law.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9125
NPRM Comment Period End	04/19/88	53 FR 9125
Final Action	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2886**

RIN: 2900–AC82

3444. VETERANS EDUCATION; INCREASE IN RATES PAYABLE IN THE EATP

Legal Authority: 10 USC 2143; 10 USC 2144

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be increased by 6 percent for the 1987-88 school year. Accordingly, the VA will propose amending the regulations dealing with these rates.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16884
NPRM Comment Period End	06/10/88	53 FR 16884
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD23

3445. ● DETERMINATION OF SERVICE-CONNECTION FOR IMPAIRED HEARING

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.385

Legal Deadline: None

Abstract: This amendment defines the term "hearing within normal limits" and precludes service-connection for impaired hearing when that definition is satisfied.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32627
NPRM Comment Period End	09/26/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AD54

3446. ● VETERANS EDUCATION; WAIVER OF THE 85-15 PERCENT RATIO REQUIREMENT

Legal Authority: 38 USC 1673(d)

CFR Citation: 38 CFR 21.4201

Legal Deadline: None

Abstract: Generally, the law and the Code of Federal Regulations prohibit the VA from approving new enrollments under many of the education programs which the VA administers when the VA finds that 85 percent or more of the students enrolled are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or the VA. There is provision for waiver of this requirement. However, the pertinent regulation is not clear as to who has the the authority to grant this waiver. The amended regulation will correct this.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27533
NPRM Comment Period End	08/22/88	53 FR 27533
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD56

VA — Final Rule Stage

3447. ● VETERANS EDUCATION; FORFEITURE OF EDUCATION BENEFITS

Legal Authority: 38 USC 3503; 38 USC 3504; 38 USC 3505

CFR Citation: 38 CFR 21.4007

Legal Deadline: None

Abstract: A veteran can forfeit his or her education benefits by engaging in subversive activities or, in limited circumstances, committing fraud or treasonable acts. The regulation concerning forfeiture of education benefits indicates that forfeiture is governed by various VA regulations. However, the regulations which are referenced do not deal with forfeiture. This proposal will correct this error.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27054
NPRM Comment Period End	08/17/88	53 FR 27054
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Education Policy and, Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD57

3448. ● VETERANS EDUCATION; PAYMENTS DURING BREAKS IN ENROLLMENT

Legal Authority: 38 USC 1434; 38 USC 1780(a)

CFR Citation: 38 CFR 21.4203; 38 CFR 21.4205; 38 CFR 21.7139; 38 CFR 21.7140

Legal Deadline: None

Abstract: The VA may make payments of educational assistance allowance to veterans and eligible persons under the various GI Bills during breaks within a certified period of enrollment when the break results from a school closing based upon an order of the President or due to an emergency situation. The Directors of VA Regional Offices have been delegated the authority to determine when these payments should be made. In the interest of administrative efficiency the VA is considering permitting other VA employees to make these determinations during some school closings.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy and Program Administration, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD59

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

3449. ACQUISITION REGULATIONS RELATING TO COST COMPARISONS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 807, (Revision); 48 CFR 852, (Revision)

Legal Deadline: None

Abstract: This proposed VA Acquisition Regulation provides coverage regarding contracting aspects of OMB Circular A-76 cost comparison.

Timetable:

Action	Date	FR Cite
NPRM	02/22/88	53 FR 5201
NPRM Comment Period End	03/23/88	53 FR 5201
Final Action	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris A. Figg, Chief, Acquisition Policy Staff, Veterans Administration, Ofc of Acquisition and Materiel Mgmt (93), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3054**

RIN: 2900–AC37

3450. VETERANS ADMINISTRATION ACQUISITION REGULATION - CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Veterans Administration regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Figg, Chief, Acquisition Policy Staff, Veterans Administration, Ofc of Acquisition and Materiel Mgmt (93), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3054**

RIN: 2900–AC86

3451. ACQUISITION REGULATIONS; CONSTRUCTION CONTRACTING PROCEDURES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This proposed Veterans Administration regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
NPRM	01/21/88	53 FR 1630
NPRM Comment Period End	02/22/88	53 FR 1630
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marsha J. Grogan, Acquisition Policy Staff, Veterans Administration, Ofc of Acquisition and Materiel Mgmt (93), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3784**

RIN: 2900–AC87

BOARD OF VETERANS APPEALS

3452. APPEALS REGULATIONS AND RULES OF PRACTICE- STATUS OF LEGAL INTERNS, LAW STUDENTS AND PARALEGALS

Legal Authority: 38 USC 3401; 38 USC 3404; 38 USC 4005(b)(2)

CFR Citation: 38 CFR 19.152, (Revision)

Legal Deadline: None

VA

Final Rule Stage

Abstract: The regulation will be amended to clarify the status of attorneys to be employed by service organizations and to allow legal interns, law students and paralegals to work with these attorneys who are presenting appeals in any capacity.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20653
NPRM Comment Period End	07/07/88	53 FR 20653
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AC11

3453. APPEALS REGULATIONS AND RULES OF PRACTICE - HEARING DATE

Legal Authority: 38 USC 4002; 38 USC 4005A

CFR Citation: 38 CFR 19.159, (Revision)

Legal Deadline: None

Abstract: This regulation will be revised to provide an appellant or representative a 60-day period in which to reschedule a hearing date. The revision will remedy scheduling conflicts created by multiple requests for a change of hearing date from the same appellant and/or representative, without abridging the appellant's right to due process.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20653
NPRM Comment Period End	07/07/88	53 FR 20653
Final Action	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AC88

OFFICE OF THE GENERAL COUNSEL

3454. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507; 38 CFR 2.6; 38 CFR 3.101

Legal Deadline: None

Abstract: This regulation would clarify the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8471
NPRM Comment Period End	04/14/88	53 FR 8471
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2440

RIN: 2900–AB22

3455. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3401 to 3404

CFR Citation: 38 CFR 14.627 to 14.637

Legal Deadline: None

Abstract: This proposal includes definitions; requirements for recognition of organizations by the VA; requirements for recognition of representatives, agents, and attorneys; powers of attorney; use of paralegals, law clerks, and law students; and requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8472
NPRM Comment Period End	04/17/87	52 FR 8472
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2440

RIN: 2900–AC89

3456. CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Legal Authority: 28 USC 2671 to 2680; PL 100-322, Sec 203

CFR Citation: 38 CFR 14.600 to 14.610; 38 CFR 2.6

Legal Deadline: None

Abstract: This proposal updates VA regulations prescribing procedures for the filing, consideration, and disposition of administrative tort claims under the Federal Tort Claims Act. No alternatives are being considered. The changes will assist the public and VA personnel in understanding VA procedures and modifications in the law as a result of judicial decisions and legislation. As such, and in accordance with 38 CFR 1.12, a notice of proposed rulemaking will not be published for this proposed change in regulations.

Timetable:

Action	Date	FR Cite
Final Action	01/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Douglas Bradshaw, Jr., Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (021B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2153

RIN: 2900–AD15

VA

Final Rule Stage

OFFICE OF FACILITIES

3457. UNIFORM RELOCATION ASSISTANCE ACT FOR REAL PROPERTY ACQUISITION AND FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 4601; PL 100-17

CFR Citation: 38 CFR 25

Legal Deadline: Final, Statutory, April 2, 1989.

Abstract: The Uniform Relocation Assistance Act Amendments of 1987, established a governmentwide single rule to be published at a single location in the Code of Federal Regulations. The VA is one of 17 Federal agencies that has its own rule currently located in 38 CFR Part 25. The VA is taking part in the common rule to provide for the single rule goal. On December 17, 1987, an interim final rule was published to provide a transition from the existing governmentwide rule and to provide a means for Federal programs to implement the explicit, nondiscretionary provisions of the 1987 amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/87	52 FR 48022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Maurer, Special Programs Officer, Office of Facilities (081A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3398

RIN: 2900–AD37

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3458. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: The VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow the VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA name and address lists of veterans/ dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/ dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LaVerne Butler, Management Analyst, Veterans Administration, Ofc of Information Mgmt & Statistics (723B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2545

RIN: 2900–AC63

VETERANS ADMINISTRATION (VA)

Completed Actions

3459. USE OF COMMUNITY NURSING HOME FACILITIES

CFR Citation: 38 CFR 17.51a

Completed:

Reason	Date	FR Cite
Final Action	04/21/88	53 FR 13120
Final Action Effective	05/23/88	53 FR 13120

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Kelly 202 233-3692

RIN: 2900–AB21

3460. RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

CFR Citation: 38 CFR 21

Completed:

Reason	Date	FR Cite
Final Action	09/08/88	53 FR 34739
Final Action Effective	10/19/84	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AB69

3461. INVESTMENTS BY LEGAL CUSTODIANS

CFR Citation: 38 CFR 13.103

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2900-AB78.	06/06/88	53 FR 20618

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr. 202 233-2091

RIN: 2900–AB77

3462. 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/06/88	53 FR 20613
Final Action Effective	07/06/88	53 FR 20613

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr. 202 233-2091

RIN: 2900–AB78

3463. AMENDMENT OF FORFEITURE REGULATIONS

CFR Citation: 38 CFR 3.901; 38 CFR 3.902; 38 CFR 3.904; 38 CFR 3.905

Completed:

Reason	Date	FR Cite
Final Action	05/19/88	53 FR 17933
Final Action Effective	06/20/88	53 FR 17933

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AC01

3464. COLLECTION OF LATE FEES AND INTEREST PENALTIES FOR VA FUNDING FEES

CFR Citation: 38 CFR 36.4254; 38 CFR 36.4312

Completed:

Reason	Date	FR Cite
Final Action	07/18/88	53 FR 27047
Final Action Effective	08/17/88	53 FR 27047

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman 202 233-3042

RIN: 2900–AC03

3465. INCREASED COVERAGE FOR SERVICEMEN'S AND VETERAN'S GROUP LIFE INSURANCE

CFR Citation: 38 CFR 9.1 to 9.8, (Revision); 38 CFR 9.16, (Revision); 38 CFR 9.22, (Revision); 38 CFR 9.27, (Revision); 38 CFR 9.36, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	05/18/88	53 FR 17698

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons 215 951-5360

RIN: 2900–AC06

3466. USE OF CREDIT REPORTS FOR REFINANCING AND RESCHEDULING OF VA-GUARANTEED LOANS AND CLAIM SUBMISSIONS

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Completed:

Reason	Date	FR Cite
Final Action	09/06/88	53 FR 34292
Final Action Effective	10/06/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman 202 233-3042

RIN: 2900–AC19

3467. PROCEDURAL DUE PROCESS

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Completed:

Reason	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AC54

3468. EVALUATIONS FOR DIPLOPIA (DOUBLE VISION)

CFR Citation: 38 CFR 4.77; 38 CFR 4.88a

Completed:

Reason	Date	FR Cite
Final Action	08/11/88	53 FR 30261
Final Action Effective	09/12/88	53 FR 30261

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AC58

3469. VOCATIONAL REHABILITATION PANEL

CFR Citation: 38 CFR 21.62; 38 CFR 21.53; 38 CFR 21.198

Completed:

Reason	Date	FR Cite
Final Action	08/26/88	53 FR 32619
Final Action Effective	09/26/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900–AC75

3470. VETERANS EDUCATION; AMENDMENTS TO VEAP REQUIRED BY THE VETERANS BENEFITS IMPROVEMENT AND HEALTH CARE AUTHORIZATION ACT OF 1986

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5030; 38 CFR 21.5041; 38 CFR 21.5052; 38 CFR 21.5064; 38 CFR 21.5100; 38 CFR 21.5131; 38 CFR 21.5138; 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5042; 38 CFR 21.5054; 38 CFR 21.5072; 38 CFR 21.5132; 38 CFR 21.5145

Completed:

Reason	Date	FR Cite
Final Action	09/07/88	53 FR 34494
Final Action Effective	10/28/86	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: June Schaeffer 202 233-2092

RIN: 2900–AC81

3471. IMPROVEMENTS IN VETERANS' BENEFITS

CFR Citation: 38 CFR 3.22; 38 CFR 3.23; 38 CFR 3.271; 38 CFR 3.272; 38 CFR 3.309; 38 CFR 3.342; 38 CFR 3.343; 38 CFR 3.383; 38 CFR 3.384; 38 CFR 3.501; 38 CFR 3.557; 38 CFR 3.800; 38 CFR 3.809a

Completed:

Reason	Date	FR Cite
Final Action	06/21/88	53 FR 23234
Final Action Effective	10/28/86	53 FR 23234

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AC99

3472. HOMELESS CLAIMANTS

CFR Citation: 38 CFR 1.710

Completed:

Reason	Date	FR Cite
Final Action	06/17/88	53 FR 22652
Final Action Effective	10/01/86	53 FR 22652

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AD00

3473. LOAN GUARANTY: INCREASE IN MAXIMUM ALLOWABLE AMOUNT THE VA WILL REIMBURSE A LOAN HOLDER FOR LEGAL SERVICES INCURRED IN TERMINATING A LOAN

CFR Citation: 38 CFR 36.4276(b); 38 CFR 36.4313(b)

Completed:

Reason	Date	FR Cite
Final Action	07/18/88	53 FR 27048
Final Action Effective	08/17/88	53 FR 27048

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy 202 233-3688

RIN: 2900–AD01

3474. VETERANS EDUCATION; REVISION OF DELIMITING DATES

CFR Citation: 38 CFR 21.1042

Completed:

Reason	Date	FR Cite
Final Action	05/27/88	53 FR 19298
Final Action Effective	05/05/88	53 FR 19298

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD02

3475. VETERANS EDUCATION; HOMELESS CLAIMANTS

CFR Citation: 38 CFR 21.1030; 38 CFR 21.4139

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2900-AD00.	06/07/88	53 FR 22652

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD21

3476. VETERANS EDUCATION; CLARIFICATION OF ADMINISTRATIVE ERROR

CFR Citation: 38 CFR 21.4135

Completed:

Reason	Date	FR Cite
Final Action	05/17/88	53 FR 17466
Final Action Effective	04/25/88	53 FR 17466

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD22

3477. VETERANS EDUCATION; CLARIFICATION OF MITIGATING CIRCUMSTANCES

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137

Completed:

Reason	Date	FR Cite
Final Action	06/01/88	53 FR 28883
Final Action Effective	07/11/88	53 FR 28883

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900–AD24

3478. HOMELESS CLAIMANTS FOR VOCATIONAL REHABILITATION

CFR Citation: 38 CFR 21.33

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2900-AD00.	06/07/88	53 FR 22652

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-2866

RIN: 2900–AD28

3479. ● SERVICEMEN'S GROUP LIFE INSURANCE AND VETERAN'S GROUP LIFE INSURANCE–APPLICATIONS

Legal Authority: PL 99-166; 38 USC 777

CFR Citation: 38 CFR 9.3(f)

Legal Deadline: None

Abstract: This action was originally included in RIN 2900-AC06 as a final rule. The VA subsequently determined that it should be removed from the original package and resubmitted as a proposed rule. Pub. L. 99-166 provided in part that members of the Individual Ready Reserves (IRR) and the Inactive National Guard (ING) are eligible to be issued Veterans Group Life Insurance (VGLI) coverage. This rule merely establishes procedures by which members of the IRR and ING may apply for VGLI.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17476
NPRM Comment Period End	06/17/88	53 FR 17476
Final Action	09/28/88	53 FR 37757
Final Action Effective	09/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900–AD66

3480. ● ACTIVE MILITARY SERVICE CERTIFIED AS SUCH UNDER SECTION 401 OF PUB. L. 95-202

Legal Authority: PL 95-202, Sec 401

CFR Citation: 38 CFR 3.7(x)(15)

Legal Deadline: None

Abstract: The VA is amending its regulations concerning persons who are included as having served on active duty. This results from a decision by the Secretary of the Air Force that service of members of the group known as American Merchant Marines in Oceangoing Service during the Armed Conflict, December 7, 1941, to August 15, 1945, constitutes active military service for the purpose of all laws administered by the VA. This action by the VA confers veteran status for VA benefit purposes on former members of that group who were discharged under honorable conditions.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/19/88	53 FR 16875
Final Action	05/12/88	53 FR 16785

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD67

3481. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

CFR Citation: 38 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	07/08/88	53 FR 25884
Final Action Effective	09/06/88	53 FR 25884

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rodney J. Cash 202 233-2150

RIN: 2900–AA87

3482. STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

CFR Citation: 38 CFR 42

Completed:

Reason	Date	FR Cite
Final Action	05/11/88	53 FR 16704
Final Action Effective	05/11/88	53 FR 16704

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Audley Hendricks 202 233-3671

RIN: 2900–AC92

3483. NONPROCUREMENT DEBARMENT AND SUSPENSION

CFR Citation: 38 CFR 44.100 to 44.505

Completed:

Reason	Date	FR Cite
Final Action	05/26/88	53 FR 19194
Final Action Effective	10/01/88	53 FR 19161

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: C. G. Verenes 202 233-2073

RIN: 2900–AD06

3484. PARKING FEES AT VA MEDICAL FACILITIES

CFR Citation: 38 CFR 1.300 to 1.303

Completed:

Reason	Date	FR Cite
Final Action	07/07/88	53 FR 25489
Final Action Effective	07/07/88	53 FR 25489

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald E. Johnson 202 233-5026

RIN: 2900–AD05

[FR Doc. 88-20679 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XLIII

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation;
Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Agenda

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

Dated: August 25, 1988.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3485	Amendment to Federal Acquisition Regulation (FAR Case 87-43)	9000-AC06

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3486	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-10(FAR Case 85-32)	9000-AA00
3487	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-9	9000-AA01
3488	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-11(FAR Case 85-38)	9000-AA02
3489	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3490	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3491	Amendment to Federal Acquisition Regulation (FAR Cases 86-12 and 88-35)	9000-AA97
3492	Amendment to Federal Acquisition Regulation (FAR Case 86-33)	9000-AB18
3493	Amendment to Federal Acquisition Regulation (FAR Case 86-51)	9000-AB37
3494	Amendment to Federal Acquisition Regulation (FAR Case 86-58)	9000-AB44
3495	Amendment to Federal Acquisition Regulation (FAR Case 86-67)	9000-AB54
3496	Amendment to Federal Acquisition Regulation (FAR Case 86-69)	9000-AB55
3497	Amendment to Federal Acquisition Regulation (FAR Case 87-13)	9000-AB73
3498	Amendment to Federal Acquisition Regulation (FAR Case 87-24)	9000-AB83
3499	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AB84
3500	Amendment to Federal Acquisition Regulation (FAR Case 87-33)	9000-AB88
3501	Amendment to Federal Acquisition Regulation (FAR Case 87-34)	9000-AB97
3502	Amendment to Federal Acquisition Regulation (FAR Case 87-36)	9000-AB99
3503	Amendment to Federal Acquisition Regulation (FAR Case 87-37)	9000-AC00
3504	Amendment to Federal Acquisition Regulation (FAR Case 87-39)	9000-AC02
3505	Amendment to Federal Acquisition Regulation (FAR Case 87-41)	9000-AC04
3506	Amendment to Federal Acquisition Regulation (FAR Case 87-42)	9000-AC05
3507	Amendment to Federal Acquisition Regulation (FAR Case 87-50)	9000-AC13
3508	Amendment to Federal Acquisition Regulation (FAR Case 87-51)	9000-AC14
3509	Amendment to Federal Acquisition Regulation (FAR Case 87-54)	9000-AC17
3510	Amendment to Federal Acquisition Regulation (FAR Case 88-6)	9000-AC19
3511	Amendment to Federal Acquisition Regulation (FAR Case 88-7)	9000-AC20
3512	Amendment to Federal Acquisition Regulation (FAR Case 88-9)	9000-AC22
3513	Amendment to Federal Acquisition Regulation (FAR Case 88-10)	9000-AC23
3514	Amendment to Federal Acquisition Regulation (FAR Case 88-15)	9000-AC28

FAR

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3515	Amendment to Federal Acquisition Regulation (FAR Case 88-16)	9000-AC29
3516	Amendment to Federal Acquisition Regulation (FAR Case 88-17)	9000-AC30
3517	Amendment to Federal Acquisition Regulation (FAR Case 88-19)	9000-AC32
3518	Amendment to Federal Acquisition Regulation (FAR Case 88-21)	9000-AC34
3519	Amendment to Federal Acquisition Regulation (FAR Case 88-22)	9000-AC35
3520	Amendment to Federal Acquisition Regulation (FAR Case 88-25)	9000-AC37
3521	Amendment to Federal Acquisition Regulation (FAR Case 88-26)	9000-AC38
3522	Amendment to Federal Acquisition Regulation (FAR Case 88-27)	9000-AC39
3523	Amendment to Federal Acquisition Regulation (FAR Case 88-28)	9000-AC40
3524	Amendment to Federal Acquisition Regulation (FAR Case 88-29)	9000-AC41
3525	Amendment to Federal Acquisition Regulation (FAR Case 88-30)	9000-AC42
3526	Amendment to Federal Acquisition Regulation (FAR Case 88-31)	9000-AC43
3527	Amendment to Federal Acquisition Regulation (FAR Case 88-32)	9000-AC44
3528	Amendment to Federal Acquisition Regulation (FAR Case 88-34)	9000-AC45
3529	Amendment to Federal Acquisition Regulation (FAR Case 88-24)	9000-AC46

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3530	Amendment to Federal Acquisition Regulation (FAR Case 84-53)	9000-AA24
3531	Federal Acquisition Regulation (FAR) FAR Case 85-63	9000-AA49
3532	Federal Acquisition Regulation (FAR) - FAR Case 85-32	9000-AA68
3533	Federal Acquisition Regulation (FAR) - FAR Case 85-43	9000-AA69
3534	Federal Acquisition Regulation (FAR) - FAR Case 85-47	9000-AA73
3535	Amendment to Federal Acquisition Regulation (FAR Case 86-18)	9000-AB03
3536	Amendment to Federal Acquisition Regulation (FAR Case 86-23)	9000-AB08
3537	Amendment to Federal Acquisition Regulation (FAR Case 86-24)	9000-AB09
3538	Amendment to Federal Acquisition Regulation (FAR Case 86-32)	9000-AB17
3539	Amendment to Federal Acquisition Regulation (FAR Case 86-34)	9000-AB19
3540	Amendment to Federal Acquisition Regulation (FAR Case 86-35)	9000-AB20
3541	Amendment to Federal Acquisition Regulation (FAR Case 86-54)	9000-AB40
3542	Amendment to Federal Acquisition Regulation (FAR Case 86-64)	9000-AB50
3543	Amendment to Federal Acquisition Regulation (FAR Case 86-68)	9000-AB53
3544	Amendment to Federal Acquisition Regulation (FAR Case 86-52)	9000-AB60
3545	Amendment to Federal Acquisition Regulation (FAR Case 86-57)	9000-AB61
3546	Amendment to Federal Acquisition Regulation (FAR Case 87-14)	9000-AB74
3547	Amendment to Federal Acquisition Regulation (FAR Case 87-15)	9000-AB75
3548	Amendment to Federal Acquisition Regulation (FAR Case 87-16)	9000-AB76
3549	Amendment to Federal Acquisition Regulation (FAR Case 87-12)	9000-AB79
3550	Amendment to Federal Acquisition Regulation (FAR Case 87-18)	9000-AB80
3551	Amendment to Federal Acquisition Regulation (FAR Case 87-19)	9000-AB81
3552	Amendment to Federal Acquisition Regulation (FAR Case 87-22)	9000-AB82
3553	Amendment to Federal Acquisition Regulation (FAR Case 87-45)	9000-AC08
3554	Amendment to Federal Acquisition Regulation (FAR Case 87-47)	9000-AC10
3555	Amendment to Federal Acquisition Regulation (FAR Case 87-48)	9000-AC11
3556	Amendment to Federal Acquisition Regulation (FAR Case 87-49)	9000-AC12
3557	Amendment to Federal Acquisition Regulation (FAR Case 87-52)	9000-AC15
3558	Amendment to Federal Acquisition Regulation (FAR Case 87-53)	9000-AC16
3559	Amendment to Federal Acquisition Regulation (FAR Case 88-8)	9000-AC21
3560	Amendment to Federal Acquisition Regulation (FAR Case 88-11)	9000-AC24
3561	Amendment to Federal Acquisition Regulation (FAR Case 88-12)	9000-AC25
3562	Amendment to Federal Acquisition Regulation (FAR Case 88-13)	9000-AC26
3563	Amendment to Federal Acquisition Regulation (FAR Case 88-14)	9000-AC27
3564	Amendment to Federal Acquisition Regulation (FAR Case 88-18)	9000-AC31
3565	Amendment to Federal Acquisition Regulation (FAR Case 88-20)	9000-AC33
3566	Amendment to Federal Acquisition Regulation (FAR Case 88-23)	9000-AC36

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE

Proposed Rule Stage
ADMINISTRATION (FAR)

3485. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-43)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To invite comments concerning the development of changes to the FAR on the allowability of costs incident to mergers and other business combinations.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41474
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC06

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE

Final Rule Stage
ADMINISTRATION (FAR)

3486. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10(FAR CASE 85-32)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action FAR Case 85-23, Small Business Subcontracting Policy	07/29/86	51 FR 27114
Final Action FAR Case 85-28, Integrity of Unit Prices	07/29/86	51 FR 27114
Final Action FAR Case 85-11, Definition of Major System	07/29/86	51 FR 27114
Final Action FAR Case 85-30, Planning for Future Competition	07/29/86	51 FR 27114
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA00

3487. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	50 FR 25680
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA01

3488. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11(FAR CASE 85-38)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	50 FR 35474
Final Action FAR Case 85-37 Unreasonable Restrictions on Subcontractor Sales	07/29/86	51 FR 27114
Final Action FAR Case 85-36 Economic Order Quantities	08/12/87	52 FR 30074
Final Action	00/00/00	

FAR Case 85-38 merged into FAR Case 86-67

Final Action 08/08/88

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA02

3489. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA29

3490. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
NPRM Comment Period End	05/21/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA35

3491. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 86-12 AND 88-35)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to revise Standard Form 1417 to (1) eliminate unnecessary delays in securing solicitation documents by requiring construction contractors to obtain a certified check or cashiers check, and (2) require inclusion of the contractor's telephone number on the SF 1417.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA97

3492. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-33)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to incorporate changes to provide improved value engineering coverage, as well as those changes necessitated by OMB Circular A-131, Value Engineering.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31197
NPRM Comment Period End	10/02/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB18

3493. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None

FAR **Final Rule Stage**

Abstract: To amend the FAR regarding penalties charged under DOD contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB37

3494. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to (1) clarify service of protest requirements and (2) provide for designation of officials or locations where an information copy of the protest must be delivered.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42805
NPRM Comment Period End	01/26/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB44

3495. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify what constitutes a "qualification requirement" and to whom or what it applies.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4082
NPRM Comment Period End	04/10/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB54

3496. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include more specific regulatory coverage concerning the termination of overfunded defined benefit pension plans and the resultant employer withdrawal of excess pension fund assets.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4084
NPRM Comment Period End	04/10/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB55

3497. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19; 48 CFR 52

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to (1) raise the threshold for publicizing proposed acquisitions, other than sole source acquisitions, from $10,000 to $25,000, (2) require posting of notices of solicitations expected to exceed $10,000 but not to exceed $25,000, and (3) raise the limitation for small business, small purchase set-asides from $10,000 to $25,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB73

3498. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning debarment and suspension procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	52 FR 28642
NPRM Comment Period End	09/28/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB83

3499. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning guaranteed maximum shipping weights and dimensions.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31722
NPRM Comment Period End	10/20/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB84

3500. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to delete certain language affecting severance pay.

Timetable:

Action	Date	FR Cite
NPRM	09/17/87	52 FR 35191
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB88

3501. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 29; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement agency agreements with the State of New Mexico that provide for use of "Nontangible Transaction Certificates" by Government cost reimbursement contractors when they purchase tangible property.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 35996
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB97

3502. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to require that a contractor's system of record maintenance be sufficient to adequately control Government property and, as a minimum, be equivalent to the contractor's system for maintaining its own property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37595
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB99

3503. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide a simplified contract format and allow annual submission of contractor's representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	10/27/87	52 FR 41390
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC00

3504. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-39)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement amendments made to sections 8 and 15 of the Small Business Act by section 921, Pub. L. 99-661. The revisions (i) adopt the statutory prohibition against award of set-aside and 8(a) contracts at a price exceeding fair market price; (ii) require that a fair proportion of Government contracts within each industrial category be awarded to small business concerns; and (iii) implement statutory restrictions concerning the extent of subcontracting permitted under set-aside and 8(a) contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/14/87	52 FR 38188
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC02

3505. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to prescribe and illustrate the latest edition of Standard Form 1409, Abstract of Offers, and Standard Form 1409A, Abstract of Offers-Continuation Sheet.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC04

3506. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-42)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to make optional the synopsizing of advance notices of interest in research and development fields, and to clarify the purpose of such notices.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42519
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC05

3507. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 10

Legal Deadline: None

Abstract: To amend the FAR to include Governmentwide policies and procedures regarding the use of acquisition streamlining efforts to more efficiently and effectively use resources to develop, produce, or display quality systems.

Timetable:

Action	Date	FR Cite
NPRM	01/04/88	53 FR 100
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC13

3508. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to prescribe uniform procedures regarding nonpersonal services contracts for health care services.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2464
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC14

3509. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to clarify the policy of the Government concerning demands for payment of contract debts owed to the Government.

Timetable:

Action	Date	FR Cite
NPRM	01/28/88	53 FR 2577
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC17

3510. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify procedures applicable when converting an acquisition from sealed bidding to negotiation.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AC19

FAR

Final Rule Stage

3511. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to permit contracting offices an option provision which enables the Government to require continued performance of any services within the limits and at the rate specified in a contract.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC20

3512. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to specify that the subcontracting plans for contracts containing options that meet the required threshold for requiring such plans must separately address both the basic and option quantities.

Timetable:

Action	Date	FR Cite
NPRM	02/26/88	53 FR 5928
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC22

3513. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 5; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to incorporate the implementation of the Department of Labor regulations regarding the Service Contract Act.

Timetable:

Action	Date	FR Cite
NPRM	02/22/88	53 FR 5928
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC23

3514. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to allow the contracting officer the authority to limit progress payments on first article work by a stated dollar amount or percentage.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC28

3515. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14

Legal Deadline: None

Abstract: To amend the FAR to clarify the obligation of the contracting officer to disclose all appropriate information when requesting additional evidence to support a contractor's bid when there is a basis to believe that the bid might contain a mistake.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC29

3516. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-17)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement procurement restrictions contained in Section 109, Pub. L. 100-202 (The FY 1988 Continuing Resolution on Appropriations). The restrictions prohibit any funds appropriated for FY 88 by Pub. L. 100-202 or any other law to be obligated or expended on any contract for construction, alteration, or repair of any public building or public work with any contractor or subcontractor of a foreign country or any supplier of products of a foreign country that is identified by the United States Trade Representative (USTR).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/88	53 FR 12128
Final Action	00/00/00	

Small Entities Affected: Undetermined

FAR

Final Rule Stage

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC30

3517. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: To amend the FAR to extend the record retention period for contractors who submit late annual indirect cost rate proposals and clarify the meaning of "record" to include computer input data.

Timetable:

Action	Date	FR Cite
NPRM	06/17/88	53 FR 23105
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC32

3518. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 43; 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to delete the clause at 52.247-27, Contract Not Affected by Oral Agreement, and its prescription at 47.207-8(b); and to add optional clause 52.243-8, Authorities and Limitations, and its corresponding prescription at 43.106(b).

Timetable:

Action	Date	FR Cite
NPRM	04/08/88	53 FR 11795
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC34

3519. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that, if a contractor or subcontractor, obtains a reduction of its U.S. income tax liability because of foreign tax credits under the IRS, the amount of the reduction shall be credited back to the U.S. Government at the time the foreign tax credit is given.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12501
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC35

3520. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise SF 1419, Abstract of Offers--Construction, to make the form more functional when recording offers from seven or more offerors and/or recording offers when the construction contract solicitation requires individual offers on 14 or more line items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC37

3521. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-26)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to consolidate and amplify requirements dealing with subcontract pricing.

Timetable:

Action	Date	FR Cite
NPRM	07/07/88	53 FR 25572
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC38

3522. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-27)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to eliminate redundant portions of the text already stated in FAR 22.608-2.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA

(FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC39

3523. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-28)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47

Legal Deadline: None

Abstract: To amend the FAR to remind contracting officers that the terms and conditions contained in FAR Subpart 47.3 are applicable to fixed-price contracts, and are only to be used as a guide for cost-reimbursement contracts.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC40

3524. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-29)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors to provide advance notice of shipment for categories of material requiring preparation by the consignee for safety and security consideration.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25102
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC41

3525. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-30)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify FAR plant clearance policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25084
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC42

3526. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 14; 48 CFR 15; 48 CFR 17; 48 CFR 25

Legal Deadline: Final, Statutory, February 14, 1988.

Abstract: To amend the FAR to incorporate changes necessitated by a major renegotiation of the Government Procurement Code by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27460
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC43

3527. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to reflect changes to the regulations governing bid protests to the GAO. The revisions would allow the protestor to file a request for documents it believes relevant to the protest, and to provide for two types of conferences, one on the merits of the protest and a fact-finding conference.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC44

3528. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to allow annual review of BPA files by the ordering officer to ensure procedural compliance with the FAR on a random sample basis instead of a semiannual review.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

FAR **Final Rule Stage**

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC45

3529. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify the requirement to obtain certified cost or pricing data for negotiated construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC46

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE

Completed Actions

ADMINISTRATION (FAR)

3530. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 22

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to bring the FAR into conformance with section 8(b)(7) of the Small Business Act with the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healey Public Contracts Act.

Timetable:

Action	Date	FR Cite
Withdrawn	07/20/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA24

3531. FEDERAL ACQUISITION REGULATION (FAR) FAR CASE 85-63

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: Final, Statutory, April 7, 1986.

Abstract: Amend the FAR to provide that any cost made specifically unallowable under FAR 31.205, Selected costs, cannot be allowed under any other section of FAR Subpart 31.2, Contracts with Commercial Organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	52 FR 15884
NPRM Comment Period End	06/29/87	
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA49

3532. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-32

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Final, Statutory, October 18, 1986 (Public Law 99-500) May 1, 1985 (Public Law 98-577)

Abstract: Amend the FAR to implement Sec. 926 of Public Law 99-500 and Sec. 204 of Public Law 98-577, by requiring offerors in certain noncompetitive acquisitions to certify that prices offered for spare or repair parts that the contractor offers for sale to the public are no higher than the lowest commercial price at which such parts were sold during the most recent regular monthly, quarterly, or other period (but not less than 30 days) in duration for which sales data are reasonably available, or submit a written justification for any differences.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Withdrawn -- also reported in RIN 9000-AA00	08/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA68

3533. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-43

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to alleviate inequities in contract clauses regarding FOB origin.

Timetable:

Action	Date	FR Cite
NPRM	11/22/85	50 FR 48332
NPRM Comment Period End	01/21/86	
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA69

3534. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-47

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Final, Statutory, November 1, 1985.

Abstract: Amend the FAR to implement Pub L 98-525 and Pub L 98-577 concerning the validation of restrictive markings on technical data delivered by a contractor to the Government. Issue was addressed in FAC 84-27 (52 FR 18140).

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40416
NPRM Comment Period End	01/09/86	50 FR 45442
Withdrawn	07/11/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA73

3535. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-18)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to clarify Federal Prison Industries' priority status in the acquisition of services.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21496
NPRM Comment Period End	08/11/86	
Withdrawn	03/24/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB03

3536. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-23)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 13; 48 CFR 19; 48 CFR 20; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to provide for the use of small purchase procedures in awarding set-aside contracts between $10,000 and $25,000.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
NPRM Comment Period End	07/28/86	
Withdrawn	04/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB08

3537. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-24)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to clarify in the small business set-aside notice that an acquisition is to be made only from a small business concern furnishing a product manufactured in the U.S., its territories, or possessions, Puerto Rico, or the Trust Territory of the Pacific Islands.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	51 FR 27129
NPRM Comment Period End	09/29/86	
Interim Final Rule	07/20/88	53 FR 27460
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB09

3538. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-32)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15; 48 CFR 53

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to ensure that the contracting officer and the authorized representative have access to all the data which impacts contract price.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB17

3539. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-34)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to delete the requirement to use state rates in discounting certain self-insured losses to present value.

Timetable:

Action	Date	FR Cite
NPRM	07/08/86	51 FR 24788
NPRM Comment Period End	09/08/86	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB19

3540. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-35)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to increase the minimum acquisition cost criterion for capitalization purposes from $1,000 to $1,500.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24971
NPRM Comment Period End	09/08/86	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB20

3541. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to permit the use of letter requests for proposals for sole source acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	10/15/86	51 FR 36777
NPRM Comment Period End	12/15/86	
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB40

3542. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to implement OMB Circular A-125 and EO 12352, Task Group 5, Module 7, regarding Fast Pay procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44410
NPRM Comment Period End	02/09/87	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB50

3543. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide a clearer statement of what constitutes special versus general purpose test equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4086
NPRM Comment Period End	04/10/87	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB53

3544. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify when agencies should evaluate offers for option quantities in awarding the basic contract and when exercise of an option will satisfy the requirements of full and open competition contained in Part 6 of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB60

3545. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: To amend the FAR to require contracting officers to address in acquisition plans how subcontract competition will be sought, promoted,

and sustained throughout an acquisition.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB61

3546. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to expand the authority for DoD and NASA to contract without providing for full and open competition if the supplies or services being contracted for are available from only one or a limited number of responsible sources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB74

3547. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the FAR requirements regarding the prevention of unit price distortions and identification of supplies that offerors will not manufacture, so that for DoD and NASA, they no longer will apply to commercial items where the price is based on an established catalog or market price.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB75

3548. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the FAR to require contracting officers to use quality as well as cost or price as an evaluation factor in procurements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Comment Period End	08/10/87	52 FR 21885
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB76

3549. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 6; 48 CFR 35

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation pertaining to research and development contracting procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17280
NPRM Comment Period End	07/06/87	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB79

3550. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-18)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to clarify allowability policy concerning trade, business, technical and professional activity costs.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 18158
NPRM Comment Period End	07/13/87	
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4766

RIN: 9000–AB80

3551. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to clarify the allowability of extraordinary compensation and certain organization costs incurred in connection with mergers and other business combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 18158
NPRM Comment Period End	07/13/87	
Final Action	04/01/88	53 FR 10828

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB81

3552. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to incorporate amendments to the Truth in Negotiations Act required by Section 952 of the Defense Acquisition Improvement Act of 1966 (Pub. L. 99-500).

Timetable:

Action	Date	FR Cite
NPRM	07/14/87	52 FR 26446
NPRM Comment Period End	09/14/87	
Final Action	04/01/88	53 FR 10828

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB82

3553. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to make allowable reasonable costs incurred to promote American aerospace exports at domestic and international exhibits.

Timetable:

Action	Date	FR Cite
NPRM	12/03/87	52 FR 46043
Final Action	04/12/88	53 FR 12128

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC08

3554. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14

Legal Deadline: None

Abstract: To amend the FAR to clarify the existing coverage concerning delegation of authority to make determinations allowing withdrawal of bids.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC10

3555. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-48)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7

Legal Deadline: None

Abstract: To amend the FAR to change the basis for making a cost comparison study from the $100,000 dollar threshold to the threshold of 10 full-time equivalents as defined and prescribed in OMB Circular A-76.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC11

3556. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to provide for a determinable delivery date vice a definite calendar date for purchase orders.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC12

3557. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate conflicting instructions regarding the proper Uniform Contract Format location for provisions and clauses incorporated by reference.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC15

3558. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate GSA's Business Service Centers' addresses, telephone numbers, and areas of service which frequently require updating.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC16

3559. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-8)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to state that the CAO will (1) consult with the contractor (instead of coordinate) and (2) consult with the cognizant audit office to determine whether information, adequate to fulfill a prospective visitor's request, has recently been reviewed by or is available within the Government. If so, the CAO will discourage the visit and refer the prospective visitor to the Government office where such information is located.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC21

3560. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-11)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to delete coverage requiring contracting officers, under certain conditions, to release the names and addresses of those offerors expected to respond to a small business set-aside.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC24

3561. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to require preparation and transmittal of a synopsis in a format which will eliminate retyping of notices transmitted from agency procurement offices to the Commerce Business Daily.

Timetable:

Action	Date	FR Cite
Final Action	05/18/88	53 FR 17854

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC25

3562. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to clarify the requirements at Section 8(d)(4)(c) of the Small Business Act that the prospective contractor's compliance with subcontracting plans submitted on previous contracts be considered as a factor in determining contractor responsibility for future awards involving subcontracting plans; and to improve coordination and better define responsibilities of contracting officers and contract administration offices associated with administration of subcontracting plans.

Timetable:

Action	Date	FR Cite
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC26

3563. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to provide that parcel post eligible shipments for overseas delivery be sent directly from the source to the user through the APO or FPO (military post office activity) without the unnecessary documentation and cost of first sending the shipments to the military or water terminal.

Timetable:

Action	Date	FR Cite
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC27

3564. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-18)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the clause at 52.247-63, Preference for U.S.-Flag Air Carriers, should be included in contracts whenever international air transportation of Government-owned property may occur under the contract and not just when such transportation is required under the contract.

Timetable:

Action	Date	FR Cite
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC31

3565. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 22; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to eliminate the need to submit a SF 99 to the Department of Labor whenever a SF 279 is not sent to the Federal Procurement Data System.

Timetable:

Action	Date	FR Cite
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC33

3566. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-23)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 23

Legal Deadline: None

Abstract: To amend the FAR to clarify that the exemptions listed in FAR 23.104 apply only to firms having facilities listed by the EPA, at 40 CFR Part 15, as violating facilities under the Clean Air and Clean Water Acts.

Timetable:

Action	Date	FR Cite
Final Action	07/20/88	53 FR 27460

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC36

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federal register

Monday
October 24, 1988

Part XLIV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1] In addition, the agenda lists rulemaking actions which have been completed since the April 1988 agenda was prepared.

The Commission's agenda represents its best estimate of significant rules which will be considered over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1988 Regulatory Flexibility Agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1988 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, DC on September 6, 1988, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3567	Recordkeeping and The Exchange of Futures for Cash Commodities or of Futures in Connection with Cash Commodity Transactions	3038-AA62

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3568	Rules Relating to Commission Review of National Futures Association Decisions In Disciplinary, Membership Denial, Registration and Member Responsibility Actions	3038-AA57

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

CFTC

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3569	Regulation of Hybrid and Related Instruments	3038-AA58

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3570	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3571	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3572	Exemption From Speculative Position Limits For Positions Which Have A Common Owner But Are Independently Controlled	3038-AA59
3573	Exemption from Federal Speculative Position Limits for Certain Spread Positions	3038-AA60
3574	Exchange Recordkeeping Regarding Clearing Organizations' Trade Registers	3038-AA61

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Prerule Stage

3567. ● RECORDKEEPING AND THE EXCHANGE OF FUTURES FOR CASH COMMODITIES OR OF FUTURES IN CONNECTION WITH CASH COMMODITY TRANSACTIONS

Legal Authority: 7 USC 6; 7 USC 6c(a); 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12; 7 USC 12(a)(5)

CFR Citation: 17 CFR 1.35 (a)(2)

Legal Deadline: None

Abstract: The proposed regulation is necessary to ensure proper monitoring of exchanges of futures for physicals. The regulation would require records of customer cash transactions underlying EFPs which are now difficult to access to be routinely retained and provided to the contract market or the Commission upon request. The records would be used to monitor and ensure the bonafides of EFPs. The proposed regulation will constitute the least burdensome method of achieving the Commission's goal of monitoring EFPs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia C. Apfelbaum, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA62

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3568. RULES RELATING TO COMMISSION REVIEW OF NATIONAL FUTURES ASSOCIATION DECISIONS IN DISCIPLINARY, MEMBERSHIP DENIAL, REGISTRATION AND MEMBER RESPONSIBILITY ACTIONS

Legal Authority: 7 USC 21(h); 7 USC 21(i); 7 USC 21(o)(2); 7 USC 12a(5); 7 USC 4a

CFR Citation: 17 CFR 3; 17 CFR 171

Legal Deadline: None

Abstract: The Commission proposes to adopt rules establishing standards and procedures for Commission review of decisions of registered futures associations such as the National Futures Association ("NFA"). The Commission is proposing specific standards of review for decisions by NFA in four types of actions - disciplinary actions, membership denial actions, registration actions and member responsibility actions. The proposed rules would establish a common procedure for seeking review and a stay of a final decision by NFA in disciplinary, membership denial and registrations actions. The proposed rules would also establish a procedure for seeking review of and a stay of decisions by NFA in a member responsibility action. In proposing these rules, the Commission seeks to promulgate standards for review that will permit NFA to exercise its expertise and independent judgment in the proceedings subject to these rules while providing a person aggrieved by the result of NFA's action an effective means to obtain relief from prejudicial errors in NFA's determination. The Commission also seeks to establish an appellate process that is comprehensive, balanced, efficient and fair.

Timetable:

Action	Date	FR Cite
NPRM	10/10/88	
NPRM Comment Period End	11/14/88	
Final Action	12/14/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Richards, Deputy Chief, Options Section, Office of General Counsel, Commodity Futures Trading Commission, 2033 K St. N.W., Washington, D.C. 20581, 202 254-7110

RIN: 3038–AA57

3569. REGULATION OF HYBRID AND RELATED INSTRUMENTS

Legal Authority: 7 USC 2; 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 34

Legal Deadline: None

Abstract: The Commodity Futures Trading Commission staff has received inquiries concerning the applicability of the Commodity Exchange Act and Commission regulations to instruments that appear to possess, in varying combinations, characteristics of forward contracts, futures contracts, option contracts, debt instruments, bank deposits, and other interests. In an advance notice of proposed rulemaking, the Commission has sought comments concerning a proposed regulatory framework that would clarify the status of such instruments and permit, by exemption and subject to certain conditions, specified hybrid option instruments to be traded other than on a designated contract market. The Commission has also sought comments concerning a proposed no-action position with respect to certain commercial commodity contracts.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/87	52 FR 47022
ANPRM Comment Period End	04/11/88	
NPRM	10/15/88	
NPRM Comment Period End	11/30/88	
Final Action	01/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan C. Ervin, Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581, 202 254-8955

RIN: 3038–AA58

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Final Rule Stage

3570. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b); 7 USC 6c(d); 7 USC 12(a)(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Legal Deadline: None

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
ANPRM	03/18/85	50 FR 10788

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and

CFTC

Final Rule Stage

Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA03

3571. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment will preserve the one-day grace period for debit/ deficit accounts unless the account had been in debit/deficit status on the previous business day and the previous day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
NPRM Comment Period End	09/28/87	52 FR 28281
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent or Gary Miller, Assoc. Chief Counsel and Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA10

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

3572. ● EXEMPTION FROM SPECULATIVE POSITION LIMITS FOR POSITIONS WHICH HAVE A COMMON OWNER BUT ARE INDEPENDENTLY CONTROLLED

Legal Authority: 7 USC 6a; 7 USC 12(a)(5)

CFR Citation: 17 CFR 150

Legal Deadline: None

Abstract: The Commodity Futures Trading Commission has long established and enforced speculative position limits for futures contracts on various agricultural commodities. The Commission recently revised Federal speculative position limits with respect to both the structure and level of such limits. 52 FR 38914 (October 20, 1987). The Commission at that time noted that the remaining portion of its reexamination of speculative position limits would involve issues relating to aggregation policy. In this regard the Commission recently proposed rule amendments providing an exemption from speculative position limits for positions which have a common owner but are independently controlled. In particular, the proposed rules provide for a case-by-case determination regarding applications for exemptions for independent account controllers from speculative position limits.

Timetable:

Action	Date	FR Cite
NPRM	04/22/88	53 FR 13290
NPRM Comment Period End	07/21/88	
Final Action	09/30/88	
Final Action Effective	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economid Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, 202 254-6990

RIN: 3038–AA59

3573. ● EXEMPTION FROM FEDERAL SPECULATIVE POSITION LIMITS FOR CERTAIN SPREAD POSITIONS

Legal Authority: 7 USC 6a; 7 USC 12(a)(5)

CFR Citation: 17 CFR 150

Legal Deadline: None

Abstract: The Commission has long established and enforced speculative position limits for futures contracts and various agricultural commodities. The Commission recently revised Federal speculative position limits with respect to both the structure and level of such limits. 52 FR 38914 (October 20, 1987). Recently the Commission received a petition for rulemaking to restore an exemption from speculative position limits for futures positions which are spread against other futures positions. In addition, the Commission has noted the need for a technical modification of its rules concerning futures/options spreads. Accordingly, the Commission is proposing rules to exempt or provide higher limits for certain futures spread positions and to clarify that futures/options spreads may exceed the futures speculative position limits only where the position is outside the spot month.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23411
NPRM Comment Period End	07/22/88	
Final Action	09/30/88	
Final Action Effective	10/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading

Commission, 2033 K Street NW, Washington, DC 20581, **202 254-6990**

RIN: 3038–AA60

3574. ● EXCHANGE RECORDKEEPING REGARDING CLEARING ORGANIZATIONS' TRADE REGISTERS

Legal Authority: 7 USC 4a(j); 7 USC 6c; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12(a)(5)

CFR Citation: 17 CFR 1.3

Legal Deadline: None

Abstract: The Commission requires exchange clearing organizations to maintain a record regarding transactions on the exchange in futures and options contracts. As part of that requirement, each clearing organization's trade register must include for each futures or option transaction a customer-type indicator. In light the the Commission's routine surveillance needs, as well as the increased number of special studies undertaken by the Commission regarding the trading of stock index futures and options on such futures contracts, the Commission is proposing to expand the required reporting of customer-type indicators to include two specified categories of trades in those contracts, specifically index arbitrage and substitution transactions. Although the Commission's existing reporting systems have worked well, the Commission believes that the proposed enhancement to exchange audit trail systems will greatly facilitate the compilation of accurate information concerning the execution times of trades involving index arbitrage and substitution transactions on an even more accurate and timely basis without necessitating numerous special calls for information.

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21490
NPRM Comment Period End	08/12/88	53 FR 26447
Final Action	09/30/88	
Final Action Effective	11/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20591, **202 254-6990**

RIN: 3038–AA61

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federal register

Monday
October 24, 1988

Part XLV

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1988.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The Regulatory Flexibility Agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: September 22, 1988.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3575	Rule review	3041-AA20
3576	Requirements for the special packaging of household substances; revision of test protocol for child resistant packaging	3041-AA22
3577	Rule review	3041-AA24
3578	Rule review	3041-AA25
3579	All-Terrain Vehicles	3041-AA53
3580	Petition HP 87-1 requesting a ban of certain household products containing more than 0.01 percent tremolite	3041-AA63
3581	Petition CP 87-1 requesting development of a product safety rule for kerosene heaters and requiring a label to warn against flare-up	3041-AA68
3582	Requirements to make cigarette lighters child resistant	3041-AA73

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3583	Petition CP 87-5 requesting a warning label on hot air paint removal tools	3041-AA75
3584	Method for identifying toys and other articles intended for children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts	3041-AA76
3585	Petition PP 88-1 Requesting That Certain Medroxyprogesterone Acetate Tablets be Exempted From Poison Prevention Packaging Act Requirements for Child-Resistant Packaging	3041-AA77

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3586	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41
3587	Household substances containing methylene chloride; status as hazardous substances; proposed rule	3041-AA59
3588	Poison Prevention Packaging Act Requirements for Certain Effervescent Acetaminophen Tablets, Proposed Amendment of Exemption	3041-AA69
3589	Poison Prevention Packaging Act Requirements for Certain Unflavored Aspirin in Powder Form, Proposed Amendment of Exemption	3041-AA70
3590	Poison Prevention Packaging Act Requirements for Certain Medroxyprogesterone Acetate Tablets, Proposed Amendment of Exemption	3041-AA71

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3591	Possible standard or ban to address injuries to children caused by children playing with lawn darts	3041-AA72
3592	Poison Prevention Packaging Act requirements for certain conjugated estrogens, proposed amendment of exemption	3041-AA74

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3593	Petition HP 85-1. Petition requesting ban of household products containing methylene chloride	3041-AA58
3594	Petition CP 86-2 requesting a consumer product safety standard for bunk beds	3041-AA66
3595	Petition PP 87-2 requesting that certain effervescent acetaminophen tablets be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA69
3596	Petition PP 87-4 requesting that certain unflavored aspirin in powder form be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA70
3597	Petition PP 87-3 requesting that certain medroxyprogesterone acetate tablets be exempted from Poison Prevention Packaging Act regulations requiring child-resistant packaging	3041-AA71

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Prerule Stage

3575. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1193 Flammable Fabrics Act; 15 USC 1194 Flammable Fabrics Act; 15 USC 2079 Consumer Product Safety Act

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Legal Deadline: Other, Statutory, December 31, 1990.

CPSC

Prerule Stage

Abstract: On February 2, 1984, the Commission published a Federal Register notice listing eight (8) rules and standards issued under the Flammable Fabrics Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change. The staff expects to submit a draft report on the economic impact of these rules on small businesses by December 31, 1988, for consideration by the Commission.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103
End Review	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA20

3576. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June, 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPR. In August 1987, the Commission considered the comments received in response to the ANPR and the staff's recommendations regarding revision of existing requirements for child-resistant packaging. The Commission directed the staff to prepare draft proposals to amend the test protocols used to evaluate the effectiveness of child-resistant packaging. The staff is preparing a briefing package concerning specific revisions to the child test protocol and the adult test protocol. The staff anticipates that it will transmit the briefing package to the Commission in December 1988.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
Staff sends briefing package to Commission	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA22

3577. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: The Commission plans to publish a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	04/00/89	
Public comment period ends	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA24

3578. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public comment period ends	04/23/84	49 FR 6504
End Review	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA25

3579. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: None

Legal Deadline: None

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-

terrain vehicles. An all-terrain vehicle (ATV) is a three- or four-wheeled motorized machine, designed for off-road use, and intended to be ridden by one person. On December 18, 1986, the Commission directed its staff to: (1) continue to work with the industry to develop voluntary performance standards and do the technical work required to issue a NPRM, (2) prepare a letter to state governors, the Department of the Interior, and other appropriate federal agencies stressing the importance of ATV safety, (3) update the ATV safety alert and conduct Clearinghouse activities on ATV safety, (4) develop a program to provide all warnings necessary to advise consumers of the risks associated with ATVs and how to minimize them, (5) prepare a letter advising the Specialty Vehicle Institute of America (SVIA) of the Commission's displeasure at the progress to date in developing voluntary standards, and (6) prepare a letter asking that (cont.)

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391
Staff to brief Commission	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT. ATV manufacturers voluntarily cease marketing ATVs intended for use by children under 12 years of age. In accordance with a preliminary consent decree filed on December 30, 1987, with the U.S. District Court of the District of Columbia in U.S. v. American Honda Motor Co. et al. (Civil Action No. 87-3525 SS), the Commission has provided a draft of a proposed safety standard for ATVs to manufacturers. The final consent decree, approved on April 28, 1988, (Civil Act No. 87-3525 GAG) provides that manufacturers will attempt in good faith to reach agreement on a voluntary standard acceptable to the Commission within four months. On September 26, 1988, the manufacturers submitted a voluntary standard for the Commission's consideration.

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA53

3580. PETITION HP 87-1 REQUESTING A BAN OF CERTAIN HOUSEHOLD PRODUCTS CONTAINING MORE THAN 0.01 PERCENT TREMOLITE

Legal Authority: 15 USC 1261(q)(1)(B) Federal Hazardous Substances Act; 5 USC 553(e) Administrative Procedure Act

CFR Citation: 16 CFR 1500

Legal Deadline: None

Abstract: On October 14, 1986, Mr. Mark Germine petitioned the Commission to ban: consumer products that contain limestone, including lawn and garden limestones, both granular and pulverized; sand products, including play sand; and consumer gravel products; if such products contain more than 0.01 percent of tremolite. Mr. Germine bases his request for a ban on a concern that tremolite in these products is carcinogenic and causes mesothelioma. The staff will prepare a briefing package for consideration by the Commission in deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	10/18/88	
Commission decision	10/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA63

3581. PETITION CP 87-1 REQUESTING DEVELOPMENT OF A PRODUCT SAFETY RULE FOR KEROSENE HEATERS AND REQUIRING A LABEL TO WARN AGAINST FLARE-UP

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2076 Consumer Product Safety Act

CFR Citation: None

Legal Deadline: None

Abstract: On September 19, 1986, the Commission received a petition from the National Kerosene Heater Association (NKHA). The association requested that the Commission initiate proceeding under the Consumer Product Safety Act to develop a kerosene heater rule containing requirements to limit nitrogen dioxide emissions of kerosene heaters and all of the requirements for kerosene heaters now contained in UL Standard 647. At about the same time, the International Association of Fire Chiefs (IAFC) requested the Commission to require the kerosene heater industry to provide notice and warning labels on all kerosene heaters sold in the United States alerting the consumer that unvented portable kerosene heaters are subject to spontaneous and uncontrollable flare-up with flames extending outside the cabinet. The staff briefed the Commission on the petition from NKHA and the request from IAFC in September 1988. If the Commission grants the petition from NKHA or the request from IAFC, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff briefs Commission	09/27/88	
Commission decision	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA68

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Prerule Stage

3582. REQUIREMENTS TO MAKE CIGARETTE LIGHTERS CHILD RESISTANT

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1261 et seq Federal Hazardous Substances Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On March 3, 1988, the Commission published an Advance Notice of Proposed Rulemaking (ANPRM) to announce its preliminary determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff is analyzing comments received in response to the ANPRM. A test protocol using panels of children and adults is under development. The test protocol will be used to determine the child resistance of lighters now on the market and to evaluate lighter modifications reported to be more child resistant. A child resistant cigarette lighter standard will be developing using the test protocol as a basis.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM Comment Period End	05/02/88	53 FR 6833
Staff sends briefing package on NPRM to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA73

3583. PETITION CP 87-5 REQUESTING A WARNING LABEL ON HOT AIR PAINT REMOVAL TOOLS

Legal Authority: 15 USC 2056 Consumer Product Safety Act; 15 USC 2076 Consumer Product Safety Act

CFR Citation: 16 CFR 1200; 16 CFR 1400

Legal Deadline: None

Abstract: On August 6, 1987, the Greater St. Louis Lead Poisoning Prevention Council petitioned the Commission to require manufacturers of all hot air paint removal tools to place a warning label on the tool that specifically warns the users of the dangers of lead fumes and lead dust when removing paint with this tool. The Council bases its request on reports of high blood lead levels in children and adults associated with the use of air paint removal tools in the rehabilitation of residences which have paint with high lead levels. The staff will prepare a briefing package for consideration by the Commission deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin rulemaking under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	09/00/88	
Commission decision	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA75

3584. METHOD FOR IDENTIFYING TOYS AND OTHER ARTICLES INTENDED FOR CHILDREN UNDER 3 YEARS OF AGE WHICH PRESENT CHOKING, ASPIRATION, OR INGESTION HAZARDS BECAUSE OF SMALL PARTS

Legal Authority: 15 USC 1261 to 1262 Federal Hazardous Substance Act

CFR Citation: 16 CFR 1501

Legal Deadline: None

Abstract: The Commission has a regulation applicable to toys and other articles intended for children under three years old that prescribes a test cylinder to determine if articles, or detachable parts of such articles, present a choking hazard to young children. Articles or components which fit within the test cylinder are banned. Although this regulation has been in effect for several years, choking incidents involving young children continue to occur. The Commission has established a project to gather information about the nature and causes of these incidents and to make recommendations for any additional measures needed to reduce injuries and deaths from such incidents, including modification of the small parts test cylinder. The Commission published an ANPRM on June 7, 1988, to solicit comments on ways to address choking hazards to young children, including specific modifications of the test cylinder requested in a petition from the Consumer Federal of America and the New York Attorney General's Office.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/88	53 FR 20865
ANPRM Comment Period End	08/08/88	53 FR 20865

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA76

3585. ● PETITION PP 88-1 REQUESTING THAT CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 55(e) Administrative Procedure Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: By letter dated February 22, 1988, the Upjohn Company requested the Commission to exempt medroxyprogesterone acetate tables dispensed in packages containing not more than 300 milligrams of the drug from special packaging requirements for oral prescription drugs. The staff is

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preparing a briefing packaging on the petition for consideration by the Commission. If the Commission grants the petition, it will begin a rulemaking proceeding under the Poison Prevention Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	11/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA77

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Proposed Rule Stage

3586. PETITION HP 84-1. PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from coverage. On August 22, 1988, the staff transmitted a briefing package to the Commission. The staff briefed the Commission September 14, 1988. The Commission granted the petition on September 27, 1988, and will publish a proposed exemption.

Timetable:

Action	Date	FR Cite
Commission decision	09/27/88	
Staff briefs Commission	09/00/88	
NPRM	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Thome, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA41

3587. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA59

3588. ● POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act;; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On June 22, 1988, the Commission granted a petition which requested amendment of a regulation which exempts certain effervescent acetaminophen tablets from special packaging requirements. The Commission directed the staff to prepare a draft Federal Register notice to propose an amendment of that regulation to increase the acetaminophen content of tablets exempted from requirements for child-resistant packaging from less than ten percent to not more than 15 percent. The Commission expects to publish a notice of proposed rulemaking in October 1988.

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA69

3589. ● POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act;; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On June 22, 1988, the Commission a petition requesting amendment of a regulation which exempts certain unflavored aspirin preparation in powder form from requirements for special packaging. The Commission directed the staff to prepare a draft Federal Register notice to propose an amendment of that regulation to exempt unflavored aspirin in powder form dispensed in unit doses containing not more than 15.4 grains of aspirin per unit dose from requirements for child-resistant packaging. The Commission expects to publish a notice of proposed rulemaking in October 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA70

3590. ● POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act;; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On June 22, 1988, the Commission granted a petition which requested amendment of a regulation exempting certain medroxyprogesterone acetate tablets from special packaging requirements. The Commission directed the staff to prepare a draft Federal Register notice to propose an amendment of that regulation to exempt medroxyprogesterone acetate tablets dispensed in mnemonic packages containing no more than 100 milligrams of the drug from requirements for child-resistant packaging. The Commission expects to publish a notice of proposed rulemaking in October 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
NPRM Comment Period End	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA71

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Final Rule Stage

3591. POSSIBLE STANDARD OR BAN TO ADDRESS INJURIES TO CHILDREN CAUSED BY CHILDREN PLAYING WITH LAWN DARTS

Legal Authority: 15 USC 1261 to 1262 Federal Hazardous Substances Act; 15 USC 2056 to 2058 Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18(a)(4); 16 CFR 1500.86(a)(3); 16 CFR 1306

Legal Deadline: None

Abstract: Lawn darts are devices intended to be used outdoors by being thrown upward and striking the ground point first. Lawn darts intended for use by children are banned by a regulation issued under the Federal Hazardous Substances Act. However, and exemption to this rule allows the sale of lawn darts which are labeled with warnings that they are not toys and should not be used by children, are accompanied with instructions for safe use, and are not sold in toy stores or store departments which deal primarily in toys or other children's articles. Despite these restrictions, children continue to suffer serious injuries and deaths while playing with lawn darts. On October 20, 1987, the Commission published an ANPR which set forth several regulatory options to address risks of death and injury to children associated with lawn darts and solicited comments and information or issues raised by the ANPR. After considering comments received in response to the ANPR and other available information, on July 29, 1988, the Commission proposed a rule to ban all lawn darts having the potential to cause skull puncture injuries.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/87	52 FR 38935
ANPRM Comment Period End	12/21/87	52 FR 38935
NPRM	07/29/88	53 FR 28657
NPRM Comment Period End	08/29/88	53 FR 28657
Staff sends briefing package on final rule to Commission	09/30/88	

CPSC — Final Rule Stage

Action	Date	FR Cite
Commission decision	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Thome, Program Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, DC 20207, 301 492-6554

RIN: 3041–AA72

3592. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN CONJUGATED ESTROGENS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On December 22, 1987, the Commission proposed to amend a regulation which exempts conjugated estrogen tablets in certain mnemonic packages from requirements for child-resistant packaging. The proposed amendment would increase the amount of the drug allowed in each non-child-resistant package from 26.5 milligrams to 32 milligrams. The staff sent a briefing package and a draft of a final rule to the Commission in September 1988. On September 27, 1988, the Commission voted to issue the exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452
NPRM Comment Period End	02/22/88	52 FR 48452
Commission decision	09/27/88	
Staff briefing package to Commission	09/00/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, 301 492-6554

RIN: 3041–AA74

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

3593. PETITION HP 85-1. PETITION REQUESTING BAN OF HOUSEHOLD PRODUCTS CONTAINING METHYLENE CHLORIDE

CFR Citation: 16 CFR 1500

Completed:

Reason	Date	FR Cite
Final Action Petition Denied 06/15/88	06/15/88	
Final Action Effective	06/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra Eberle 301 492-6554

RIN: 3041–AA58

3594. PETITION CP 86-2 REQUESTING A CONSUMER PRODUCT SAFETY STANDARD FOR BUNK BEDS

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action - petition denied	07/21/88	
Final Action Effective	07/21/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine Tyrrell 301 492-6554

RIN: 3041–AA66

3595. PETITION PP 87-2 REQUESTING THAT CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action - petition granted	06/22/88	
Final Action Effective	06/22/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA69

3596. PETITION PP 87-4 REQUESTING THAT CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action - petition granted	06/22/88	
Final Action Effective	06/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA70

3597. PETITION PP 87-3 REQUESTING THAT CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14

CPSC

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action - petition granted	06/22/88	
Final Action Effective	06/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA71

[FR Doc. 88-22741 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XLVI

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of October 1988 through April 1989.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: August 26, 1988.

David A. Hill,

Secretary, Farm Credit Administration Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3598	RELEASING INFORMATION; EXAMINATIONS AND INVESTIGATIONS; GENERAL PROVISIONS; Releasing Information	3052-AA05
3599	Eligibility to Borrow -- Banks for Cooperatives	3052-AA94
3600	Secondary Market	3052-AA96
3601	Debt Collection Act	3052-AB02

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3602	Organization: Director Compensation	3052-AA09
3603	REGULATORY ACCOUNTING PRACTICES	3052-AA82
3604	FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; Capital Adequacy Related	3052-AA88
3605	ORGANIZATION; Receiver	3052-AA92
3606	FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; Funding Corporation	3052-AA97

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3607	ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION; Handicap	3052-AA67
3608	FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS; Capital Adequacy	3052-AA79
3609	PERSONNEL ADMINISTRATION; Simultaneous Service	3052-AA81
3610	ORGANIZATION; Capital Corporation	3052-AA87
3611	ORGANIZATION; EXAMINATIONS; Examinations	3052-AA89
3612	Collateral Issues	3052-AA91
3613	ORGANIZATION AND FUNCTIONS; FCA Organization	3052-AA93

FCA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3614	Federal Land Bank Lending Authorities	3052-AA95
3615	Assistance Corporation	3052-AA98
3616	ORGANIZATION; PERSONNEL ADMINISTRATION; GENERAL PROVISIONS; DISCLOSURE TO SHAREHOLDERS; Mergers	3052-AB00
3617	DISCLOSURE TO SHAREHOLDERS; Disclosure	3052-AB01
3618	GENERAL PROVISIONS; Member Insurance	3052-AB03
3619	LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS; Borrower Rights	3052-AB04
3620	RULES OF PRACTICE AND PROCEDURE; PRACTICE BEFORE THE FARM CREDIT ADMINISTRATION; Civil Money Penalties	3052-AB05

FARM CREDIT ADMINISTRATION (FCA) — Prerule Stage

3598. RELEASING INFORMATION; EXAMINATIONS AND INVESTIGATIONS; GENERAL PROVISIONS; RELEASING INFORMATION

Legal Authority: PL 92-181; PL 99-205; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 602; 12 CFR 617; 12 CFR 618

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Monica Michelizzi, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052–AA05

3599. ELIGIBILITY TO BORROW — BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 100-233

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AA94

3600. SECONDARY MARKET

Legal Authority: PL 92-181; PL 100-233

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: Implement Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: George Irwin, Assistant Deputy Director, Office of Analysis & Supervision, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4050**

RIN: 3052–AA96

3601. DEBT COLLECTION ACT

Legal Authority: 12 USC 2252(a)(10)

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: GAO and Justice have issued standards for issuance of regulations

FCA — Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Rob Brammer, Chief, Budget & Accounting Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4122

RIN: 3052-AB02

FARM CREDIT ADMINISTRATION (FCA) — Proposed Rule Stage

3602. ORGANIZATION: DIRECTOR COMPENSATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611.1020(d)

Legal Deadline: None

Abstract: Agricultural Credit Act of 1987 requires revision to FCA regulations to ensure the rights of shareholders to obtain a copy of the district board policy regarding compensation of district directors and also to inspect and copy the supporting records.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43081
NPRM Comment Period End	01/08/88	52 FR 43081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4498

RIN: 3052-AA09

3603. ● REGULATORY ACCOUNTING PRACTICES

Legal Authority: 12 USC 2001; 12 USC 2013; 12 USC 2073; 12 USC 2093; 12 USC 2122; 12 USC 2159; 12 USC 2252; 12 USC 2254

CFR Citation: 12 CFR 624

Legal Deadline: None

Abstract: Utilization of regulatory accounting practices by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16968
NPRM Comment Period End	06/13/88	53 FR 16968

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Thomas Dalton, Staff Accountant, Accounting and Corporate Affairs, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4460

RIN: 3052-AA82

3604. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; CAPITAL ADEQUACY RELATED

Legal Authority: 12 USC 2154; 12 USC 2243; 12 USC 2252; 12 USC 2278b; 12 USC 2278b-6

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Revisions to various regulations relating to capital adequacy and minimal capital requirements for Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/88	53 FR 4642
ANPRM Comment Period End	03/01/88	53 FR 4642
NPRM	09/02/88	53 FR 34109
NPRM Comment Period End	09/16/88	53 FR 34109

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: William Dunn, Chief, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4489

RIN: 3052-AA88

3605. ORGANIZATION; RECEIVER

Legal Authority: 12 USC 2011; 12 USC 2031; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2182; 12 USC 2183; 12 USC 2243; 12 USC 2244; 12 USC 2250; 12 USC 2252; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16934
Interim Final Rule	05/24/88	53 FR 18810
NPRM Comment Period End	06/13/88	53 FR 16934

Next Action Undetermined

FCA — Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 703-883-4020

Agency Contact: Eldon Stoehr, Field Division A Chief, Office of Examinations, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4251**

RIN: 3052–AA92

3606. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; FUNDING CORPORATION

Legal Authority: 12 USC 2154; 12 USC 2160; 12 USC 2202(b); 12 USC 2243; 12 USC 2252; 12 USC 2278b-6; PL 100-233, Sec 301(a)

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Implement Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16963
NPRM Comment Period End	06/13/88	53 FR 16963
Funding Corporation Resolicitation of Comments	10/05/88	53 FR 39099

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Alan Glenn, Credit Examiner, Special Examination Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4225**

RIN: 3052–AA97

FARM CREDIT ADMINISTRATION (FCA) — Completed Actions

3607. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION; HANDICAP

CFR Citation: 12 CFR 606

Completed:

Reason	Date	FR Cite
Final Action	06/01/88	53 FR 19884
Final Action Effective	07/06/88	53 FR 25481

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy E. Lynch **703 883-4020**

RIN: 3052–AA67

3608. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS; CAPITAL ADEQUACY

CFR Citation: 12 CFR 615; 12 CFR 618

Completed:

Reason	Date	FR Cite
Final Action	10/06/88	53 FR 39229

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Dunn **703 883-4489**

RIN: 3052–AA79

3609. ● PERSONNEL ADMINISTRATION; SIMULTANEOUS SERVICE

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Regulation which would prohibit an individual from serving simultaneously as an employee of a Farm Credit System bank and the System association it supervises.

Timetable:

Action	Date	FR Cite
NPRM	04/07/87	52 FR 11080
NPRM Comment Period End	06/05/87	52 FR 11080
Final Action	06/14/88	53 FR 22134
Final Action Effective	01/01/89	53 FR 22134

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dorothy J. Acosta, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AA81

3610. ORGANIZATION; CAPITAL CORPORATION

CFR Citation: 12 CFR 611

Completed:

Reason	Date	FR Cite
Final Action	04/13/88	53 FR 12140
Final Action Effective	04/13/88	53 FR 12140

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Norton **703 883-4020**

RIN: 3052–AA87

3611. ORGANIZATION; EXAMINATIONS; EXAMINATIONS

CFR Citation: 12 CFR 611; 12 CFR 617

FCA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	53 FR 27155
Final Action Effective	09/13/88	53 FR 35303

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Smith 703 883-4172

RIN: 3052–AA89

3612. COLLATERAL ISSUES

CFR Citation: 12 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn COMBINED WITH RIN AA97	05/12/88	53 FR 16963

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Glenn 703 883-4225

RIN: 3052–AA91

3613. ORGANIZATION AND FUNCTIONS; FCA ORGANIZATION

CFR Citation: 12 CFR 600

Completed:

Reason	Date	FR Cite
Final Action	05/11/88	53 FR 16693
Final Action Effective	05/11/88	53 FR 16693

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Row 703 883-4135

RIN: 3052–AA93

3614. FEDERAL LAND BANK LENDING AUTHORITIES

CFR Citation: 12 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn COMBINED WITH RIN AA94	07/23/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Carpenter 703 883-4498

RIN: 3052–AA95

3615. ASSISTANCE CORPORATION

CFR Citation: 12 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn COMBINED WITH RIN AA97	05/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Glenn 703 883-4225

RIN: 3052–AA98

3616. ORGANIZATION; PERSONNEL ADMINISTRATION; GENERAL PROVISIONS; DISCLOSURE TO SHAREHOLDERS; MERGERS

CFR Citation: 12 CFR 611; 12 CFR 612; 12 CFR 618; 12 CFR 620

Completed:

Reason	Date	FR Cite
Final Action	10/05/88	53 FR 39079
Final Action Effective	10/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Thies 703 883-4475

RIN: 3052–AB00

3617. DISCLOSURE TO SHAREHOLDERS; DISCLOSURE

CFR Citation: 12 CFR 620

Completed:

Reason	Date	FR Cite
Final Action	05/11/88	53 FR 16697
Final Action Effective	06/13/88	53 FR 21986

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy Acosta 703 883-4020

RIN: 3052–AB01

3618. GENERAL PROVISIONS; MEMBER INSURANCE

CFR Citation: 12 CFR 618

Completed:

Reason	Date	FR Cite
Final Action	09/13/88	53 FR 35303

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis Carpenter 703 883-4498

RIN: 3052–AB03

3619. LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS; BORROWER RIGHTS

CFR Citation: 12 CFR 614; 12 CFR 615; 12 CFR 618

Completed:

Reason	Date	FR Cite
Final Action	09/14/88	53 FR 35427

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrea Cali 703 883-4020

RIN: 3052–AB04

3620. RULES OF PRACTICE AND PROCEDURE; PRACTICE BEFORE THE FARM CREDIT ADMINISTRATION; CIVIL MONEY PENALTIES

CFR Citation: 12 CFR 622; 12 CFR 623

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	53 FR 27284
Final Action Effective	09/13/88	53 FR 35306

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen Eyer 703 883-4455

RIN: 3052–AB05

[FR Doc. 88-20681 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XLVII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; October 1988

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167: 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tenecia Moncrief, Office of Managing Director, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings.

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "CC Docket 79-164." When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

H. Walker Feaster,

Acting Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3621	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3622	Jurisdictional Separations	3060-AD93
3623	Deregulation of Certain Basic Services	3060-AE02
3624	Regulatory Policies and International Telecommunications: Notice of Inquiry and Proposed Rulemaking	3060-AE03
3625	Jurisdictional Separation Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE14
3626	Policy and Rules concerning Rates for Dominant Carriers, CC Docket No. 87-313	3060-AE38
3627	Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons	3060-AE39
3628	Telephone Company Cable Television Cross-Ownership Rules Sections 63.54-63.56	3060-AE40

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COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3629	Satellite Communications	3060-AD70
3630	Jurisdictional separations procedures: Reconsideration of the decision to exclude access revenues from the allocation of marketing expenses	3060-AE07

COMMON CARRIER BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3631	Cellular Radio Licensing Procedures for Small Markets	3060-AD38
3632	In the Matter of Revision of Part 21 of the Commission's Rules, CC Docket No. 86-128	3060-AD71
3633	Application of Access Charges with regard to Providers of Enhanced Services	3060-AE01
3634	Jurisdictional Separations Procedures: Petitions for Reconsideration of Items in Order Reflected in the New Part 36 Separation Manual	3060-AE05

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3635	900 MHz G/NG Fixed	3060-AD55

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3636	Public Safety National Plan	3060-AD66
3637	LTTS Reallocation	3060-AD67
3638	Part 15 Review (Auditory Assistance and Iggulton Petitions to be Disposed of Concurrent with this Action)	3060-AD68
3639	EIA Petition for Extension of Time for 46/49 MHz	3060-AD95
3640	Alternative Type Acceptance Procedure	3060-AD99
3641	Verification of Parts 73, 74, and Devices	3060-AE00
3642	Scanning Receiver Labelling	3060-AE18
3643	Proposal to Create a New Air-to-Ground Public Switched Telephone Network (PTSN) Interconnected Service	3060-AE36
3644	Part 15 Measurement Procedures	3060-AE37

OFFICE OF ENGINEERING AND TECHNOLOGY—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3645	216 - 225 MHz Allocations	3060-AC91
3646	Cellular Flexibility	3060-AE15

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OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3647	DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES	3060-AC96
3648	900 MHz Reserve Reconsideration	3060-AD91
3649	EIA Petition for Cordless Telephone Allocation at 900 MHz	3060-AD97

FIELD OPERATIONS BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3650	In the matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337)	3060-AE25

MASS MEDIA BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3651	Non-Stock Entities	3060-AE31

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3652	Section 73.37(e): Petition for Reconsideration	3060-AD63
3653	Broadcast EEO: Reconsideration	3060-AD73
3654	FM Technical Clean-up: Reconsideration	3060-AD74
3655	Radio Multiple Ownership & Cross Ownership Rules	3060-AD78
3656	Satellite Television Stations	3060-AD79
3657	Radio Reading Services	3060-AD80
3658	Daytimers Issues	3060-AD85
3659	AM Expanded Band: Domestic	3060-AD92
3660	Wireless Cameras	3060-AE10
3661	FM Translators: Moody Bible	3060-AE11
3662	FM/TV Directional Antenna	3060-AE12
3663	Channels 14/69 Interference: NOI/NPRM	3060-AE13
3664	FM Translators: NOI/NPRM	3060-AE23
3665	Advanced Television Systems	3060-AE24
3666	Comparative Renewal	3060-AE27
3667	AM: Skywave Propagation	3060-AE28
3668	AM: Ground Propagation: FNOI/FNPRM	3060-AE29
3669	FM Class C3 and Class A FM Upgrade Petitions	3060-AE30
3670	TV Networks Rules: Two-year Rule	3060-AE32
3671	Premature Construction	3060-AE33
3672	Cable System Definition	3060-AE34
3673	AM: Enhanced Nighttime Operation	3060-AE35

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MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3674	Technical Deregulation: Part 73: TV	3060-AD58

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3675	Foreign Clears: Ct. Remand: Minority Preference	3060-AD72
3676	Main Studio Location	3060-AD75
3677	Noncommercial Broadcast: Issues-Programs Lists	3060-AD76

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3678	Amendment of Parts 73 and 76 of the Commission's Rules relating to program exclusivity in the cable and broadcast industries	3060-AE26

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3679	Wireline Common Carriers - Operation of SMRS	3060-AD54
3680	Multiple Address Systems	3060-AE09
3681	Amend Part 80 to preclude accidental or intentional off- frequency operation of externally controlled synthesized radio transmitters	3060-AE41
3682	Subpart M&S Reconsideration	3060-AE42

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3683	Part 90 Review - Subparts M&S incl. ASNA pet., Subpart S Wait List	3060-AD69

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3684	Revision and reorganization of Aviation rules (Part 87)	3060-AE08
3685	Special Emergency Radio Private Carriers	3060-AE19
3686	Multiple Address Systems	3060-AE20
3687	Revision and reorganization of Aviation Rules (Pt. 87)	3060-AE21

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Prerule Stage

3621. JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Legal Deadline: None

Abstract: With the issuance of this Order inviting comments and requests for Data we are seeking further comments on the development of other relative use allocators, including Switched Minutes of Use (SMOU) to allocate Central Office Equipment investment included in the Local Switching Equipment Category in the Part 36 Separations Manual.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recommended Decision and Order (Joint Board)	04/08/87	52 FR 15354
R&O	05/01/87	52 FR 17228
Order Inviting Comments	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: CC Docket 80-286

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE06

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Proposed Rule Stage

3622. JURISDICTIONAL SEPARATIONS

Significance: Agency Priority

Legal Authority: 47 USC 410; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 218

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: This proceeding concerns the allocation between the state and federal jurisdictions of the costs of special access lines (including those used with WATS service) that carry both interstate and intrastate traffic.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	
Joint Board Recommended Decision	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claudia Pabo, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C., **202 632-4047**

RIN: 3060–AD93

3623. DEREGULATION OF CERTAIN BASIC SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 303(g); 47 USC 303(r); 47 USC 403; 47 USC 404; 5 USC 553

CFR Citation: 47 CFR 1.48; 47 CFR 1.49; 47 CFR 1.419

Legal Deadline: None

Abstract: Proposed reduction of regulation for certain basic services offered by dominant carriers based on a service-by-service analysis of competition. Contract services and packet switched services are targeted for such potential deregulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	
NPRM Comment Period End	04/10/87	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CC Docket 86-421

Agency Contact: Kelly Cameron, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-4047**

RIN: 3060–AE02

3624. REGULATORY POLICIES AND INTERNATIONAL TELECOMMUNICATIONS: NOTICE OF INQUIRY AND PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 to 205; 47 USC 214; 47 USC 218 to 222; 47 USC 301; 47 USC 302

CFR Citation: 47 CFR 63.01; 47 CFR 63.701; 47 CFR 68.226; 47 CFR 63.703; 47 CFR 63.10; 47 CFR 63.702; 47 CFR 68.01; 47 CFR 69.01

Legal Deadline: None

Abstract: The Report and Order adopted certain information gathering measures designed to increase the Commission's knowledge of the extent of participation in the U.S market by foreign companies and service providers. Four petitions for reconsideration were filed in response to the Report and Order and will be dealt with in an upcoming order.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	
NPRM Comment Period End	05/22/87	
R&O	03/25/88	
MO&O reconsideration of R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William J. Kirsch, Deputy Asst. Bureau Chief/International, Federal Communications Commission, 1919 M Street, N.W. Room 544, Washington, D.C. 20554, **202 632-4047**

RIN: 3060–AE03

3625. JURISDICTIONAL SEPARATION PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this Order inviting comments and requests for data, we are seeking information concerning the jurisdictional separations separations treatment of investment in Cable and Wire Facilities and in Circuit Equipment.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
Order inviting comments	10/15/87	52 FR 43206

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286 CC Docket No. 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE14

3626. ● POLICY AND RULES CONCERNING RATES FOR DOMINANT CARRIERS, CC DOCKET NO. 87-313

Significance: Agency Priority

Legal Authority: 47 USC 154(j); 47 USC 154(i); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 303(r); 47 USC 403; 47 USC 553

CFR Citation: 47 CFR 1.773; 47 CFR 61.3; 47 CFR 61.32; 47 CFR 61.33; 47 CFR 61.38; 47 CFR 61.39; 47 CFR 61.41; 47 CFR 61.42; 47 CFR 61.43; 47 CFR 61.44; 47 CFR 61.45; 47 CFR 61.47; 47 CFR 61.58; 47 CFR 61.46; 47 CFR 65.1; ...

Legal Deadline: None

Abstract: The Commission has issued a specific plan for implementing a proposed change in regulation of the rates of dominant carriers which would replace the current rate-of-return regulatory model with one that directly limits rates by means of price caps. The plan applies to dominant carriers other than Comsat and Alascom. The Commission reaffirms its tentative finding that the price cap method of regulation will promote efficiency and innovation and benefit consumers more effectively than rate-of-return regulation

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 33962
NPRM Comment Period End	02/17/88	
Further Notice of Proposed Ruling	05/23/88	53 FR 22356
FNPRM Public Comment Period End	08/26/88	53 FR 22356
Order	12/00/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: John Cimko, Chief, Tariff Division, Federal Communications Commission, **202 632-6387**

RIN: 3060–AE38

3627. ● ACCESS TO TELECOMMUNICATIONS EQUIPMENT AND SERVICES BY THE HEARING IMPAIRED AND OTHER DISABLED PERSONS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i)

CFR Citation: 47 CFR 68.112(c)

Legal Deadline: None

Abstract: Proceeding designed to determine whether disabled persons have reasonable access to telecommunications services and equipment. FCC proposes to expand definition of essential telephones to require card-operated telephones to be Hearing Aid Compatible as well as telephones located in common areas in a hearing impaired employee's workplace. In addition, the FCC will consider the feasibility of implementing an Interstate Relay System for users of telecommunications devices for the deaf.

Timetable:

Action	Date	FR Cite
NPRM	03/29/88	
Further NPRM	12/00/88	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert James, Electronics Engineer, Federal Communications Commission, **202 634-1831**

RIN: 3060–AE39

3628. ● TELEPHONE COMPANY CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 215; 47 USC 218; 47 USC 220; 47 USC 308(e) to 308(h); 47 USC 313; 47 USC 405; 47 USC 412; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56

Legal Deadline: None

Abstract: This proceeding addresses the restrictions which prohibit telephone companies from providing cable television service within their telephone service areas. In this proceeding, the FCC seeks comment on its proposal to eliminate the restrictions. Based on the record developed the FCC may recommend to Congress legislative changes to increase telephone company participation in the provision of cable television service within their telephone service areas.

Timetable:

Action	Date	FR Cite
NOI adopted 07/16/87	07/16/87	52 FR 34818
Further NOI and NPRM	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

FCC—CCB

Proposed Rule Stage

Agency Contact: Patrick J. Donovan, Attorney, Federal Communications Commission, **202 634-1832**

RIN: 3060–AE40

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Final Rule Stage

3629. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record & to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	52 FR 6175
ANPRM Comment Period End	11/01/87	
Final Action	12/00/89	
Final Action Effective	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalee Gorman or Fern Jarmulnek, Staff Attorneys, Federal Communications Commission, 2025 M Street, N.W., Room 6324, Washington, D.C. 20554, **202 634-1624**

RIN: 3060–AD70

3630. JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this order we are addressing the petitions for reconsideration filed by parties urging the FCC to reconsider its decision to exclude access revenues from the allocation factor for marketing expenses. We also are initiating a further proceeding to re-examine the separations treatment of marketing expenses.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recommended Decision and Order (RD&O) (Joint Board)	04/08/87	52 FR 15354
R&O	05/01/87	52 FR 17228
MO&O (Recon. & Supp. NPRM)	08/18/87	52 FR 32937
R&O (Joint Board)	04/01/88	
Order inviting comments and request	05/17/88	
Final Action	04/01/89	
Final Action Effective	01/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket 78-72 CC Docket 80-286 CC Docket 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE07

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Completed Actions

3631. CELLULAR RADIO LICENSING PROCEDURES FOR SMALL MARKETS

Significance: Agency Priority

CFR Citation: 47 CFR 22.900

Completed:

Reason	Date	FR Cite
Final Action - Fourth Report and Order adopted 06/18/88	05/18/88	53 FR 18562
Final Action Effective	06/18/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Siehl 202 632-6450

RIN: 3060–AD38

FCC—CCB

Completed Actions

3632. IN THE MATTER OF REVISION OF PART 21 OF THE COMMISSION'S RULES, CC DOCKET NO. 86-128

Significance: Agency Priority

CFR Citation: 47 CFR 21

Completed:

Reason	Date	FR Cite
Final Action - MO&O	10/09/87	52 FR 37775
Final Action Effective	11/09/87	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Geraldine A. Matise 202 634-1841

RIN: 3060–AD71

3633. APPLICATION OF ACCESS CHARGES WITH REGARD TO PROVIDERS OF ENHANCED SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 69.2; 47 CFR 69.5; 47 CFR 69.105; 47 CFR 69.106; 47 CFR 69.107; 47 CFR 69.108; 47 CFR 69.111; 47 CFR 69.112

Completed:

Reason	Date	FR Cite
Final Action - Order terminates docket on 4/27/88	04/27/88	53 FR 16301
Final Action Effective	04/27/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ruth Milkman 202 632-6363

RIN: 3060–AE01

3634. JURISDICTIONAL SEPARATIONS PROCEDURES: PETITIONS FOR RECONSIDERATION OF ITEMS IN ORDER REFLECTED IN THE NEW PART 36 SEPARATION MANUAL

Significance: Agency Priority

CFR Citation: 47 CFR 36

Completed:

Reason	Date	FR Cite
Final Action - Final Report and Order effective 5/1/87	05/01/87	
Final Action Effective	05/01/87	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Wilson 202 632-7500

RIN: 3060–AE05

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Prerule Stage

3635. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 74; 47 CFR 94

Legal Deadline: None

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-943 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
NPRM Comment Period End	11/02/87	
R&O	12/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M St., NW, Rm. 7332, Washington, DC 20554, 202 653-8116

RIN: 3060–AD55

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Proposed Rule Stage

3636. PUBLIC SAFETY NATIONAL PLAN

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Development and implementation of a Public Safety National Plan and amendment of Part 90 to establish service rules and technical standards for use of the 821-824/866-869 MHz bands by the Public Safety Services.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	
R&O	01/06/88	
MO&O	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: 87-112

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554, 202 653-8112

RIN: 3060–AD66

3637. LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Legal Deadline: None

Abstract: Reallocation of the Local Television Transmission Service (LTTS) from the 11.7-12.2 GHz band to the 14.2-

14.4 GHz band. This reallocation is designed to permit improved frequency sharing between the LTTS and the fixed-satellite services.

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-136

Agency Contact: Ray LaForge, Federal Communications Commission, 2025 M Street, N.W., Room 7328, Washington, D.C. 20554, 202 653-8117

RIN: 3060–AD67

3638. PART 15 REVIEW (AUDITORY ASSISTANCE AND IGGULTON PETITIONS TO BE DISPOSED OF CONCURRENT WITH THIS ACTION)

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A comprehensive revision of Part 15 which proposes to allow marketing and use of a greater variety of devices, and to reduce the regulatory burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	
NPRM Comment Period End	05/09/88	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 87-389

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, N.W., Room 7122, Washington, D.C. 20554, 202 653-7313

RIN: 3060–AD68

3639. EIA PETITION FOR EXTENSION OF TIME FOR 46/49 MHZ

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: The Electronic Industry Association has requested an extension of time from February 1989 to February 1994 to continue manufacture of cordless telephones on government frequencies at 46/49 MHz under Part 15.

Timetable:

Action	Date	FR Cite
MO&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RM-5320

Agency Contact: Julie Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060–AD95

3640. ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	
NPRM Comment Period End	02/25/88	
R&O	02/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 85-171

Agency Contact: Ken Nichols, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, 301 725-1585

RIN: 3060–AD99

3641. VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Legal Deadline: None

Abstract: Proposal for relaxation of the rules to change the equipment authorization procedure for certain devices subject to Parts 73, 74, and 78 from notification to the less burdensome verification procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	02/01/88	
R&O	12/30/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8107

RIN: 3060–AE00

3642. SCANNING RECEIVER LABELLING

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Consideration of a petition requesting changes to Part 15 to require scanner manufacturers to label their receivers to alert users that it is not legal to listen to certain transmissions taking place on specified bands.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	
NPRM Comment Period End	06/14/88	
R&O	03/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RM-5836

Agency Contact: Paul Marrangoni, Federal Communications Commission, 2025 M St., N.W. Rm. 7336, Washington, D.C. 20554, 202 653-8107

RIN: 3060–AE18

FCC—OET

Proposed Rule Stage

3643. ● PROPOSAL TO CREATE A NEW AIR-TO-GROUND PUBLIC SWITCHED TELEPHONE NETWORK (PTSN) INTERCONNECTED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend Parts 2 and 22 and/or Parts 2 and 90 of its rules to permit use of four megahertz of reserve spectrum at 849/851/894-896 MHz for an air-to-ground telephone service. This action also proposes licensing policies and technical guidelines for the air-to-ground service.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	
NPRM Comment Period End	04/27/88	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE36

3644. ● PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to revise the Commission's Measurement Procedure (MP-4) recommended for testing of computing devices, based on the Part 15 revision in Docket No. 87-389, and on a proposal by CBEMA to revise the MP.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE37

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Final Rule Stage

3645. 216 - 225 MHZ ALLOCATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Proceeding to reallocate frequencies in the 216 - 225 MHz band including reallocation of 220 - 225 MHz from amateur to Land Mobile Services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	
NPRM Comment Period End	12/12/87	
R&O	12/00/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Gen. 87-14

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, 202 653-8112

RIN: 3060–AC91

3646. CELLULAR FLEXIBILITY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22

Legal Deadline: None

Abstract: Proceeding will investigate approach to relax technical standards for new cellular spectrum at 800 MHZ in order to provide flexibility to licensees for implementation of new technologies and new service offerings.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	10/15/87	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 84-1231

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060–AE15

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3647. DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

CFR Citation: 47 CFR 15.201 to 215

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted 3/25/8	03/25/88	
Final Action Effective	03/25/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Reed 202 653-7313

RIN: 3060–AC96

3648. 900 MHZ RESERVE RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
Final Action - Petitions Dismissed	10/09/87	

FCC—OET **Completed Actions**

Reason	Date	FR Cite
Final Action Effective	10/09/87	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Julie Knapp 202 653-8108

RIN: 3060–AD91

3649. EIA PETITION FOR CORDLESS TELEPHONE ALLOCATION AT 900 MHZ

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
Final Action - Petition Dismissed	12/10/87	

Reason	Date	FR Cite
Final Action Effective	12/10/87	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Julie Knapp 202 653-8108

RIN: 3060–AD97

FEDERAL COMMUNICATIONS COMMISSION (FCC) —FIELD OPERATIONS BUREAU

Proposed Rule Stage

3650. ● IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 154(j); 47 USC 302; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 25

Legal Deadline: NPRM, Statutory, October 20, 1986. Other, Statutory, September 14, 1987.
Further Notice of Proposed Rulemaking

Abstract: This proceeding looks to establish a means by which radio emissions might be encoded with a distinct automatically transmitted identifier to benefit orderly management of the radio spectrum by identifying the source of radio frequency interference to other radio signals. For video satellite uplink stations regulated under Part 25 of the Commission's rules, it proposes rules regarding such identifiers. There are no significant alternatives being considered that are consistent with stated objectives. Every operator of a satellite video uplink would be required to purchase and operate a device to insert identification on all transmissions. Approximately 1,000 stations would be involved. Each encoder would cost under $2000. Operating upkeep expenses should be minimal.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 32223
Further NPRM	07/09/87	52 FR 26538
R&O	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Hudak, Chief, Signal Analysis Branch, Federal Communications Commission, Enforcement Division, Room 744, 1919 M St., N.W., Washington, D.C. 20554, 202 632-6977

RIN: 3060–AE25

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Prerule Stage

3651. ● NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider a Notice of Inquiry concerning Commission treatment of corporations and other organizational structures that are not traditional commercial corporations.

Timetable:

Action	Date	FR Cite
NOI	12/01/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marilyn Mohrman-Gillis, Federal Communications Commission, 202 632-7792

RIN: 3060–AE31

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Proposed Rule Stage

3652. SECTION 73.37(E): PETITION FOR RECONSIDERATION

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73.37(e)

Abstract: On October 31, 1985, the Commission adopted a Report and Order deleting the non-technical AM application acceptance criteria in Section 73.37(e) of the Commission's Rules. Reconsideration Requested.

FCC—MMB

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
R&O	10/31/85	
MO&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mm-077 NPRM mm-85-39 R&O

Agency Contact: Jonathan David, Federal Communications Commission, 202 632-6955

RIN: 3060–AD63

3653. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	
R&O	04/16/87	
MO&O	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AD73

3654. FM TECHNICAL CLEAN-UP: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.211; 47 CFR 73.206; 47 CFR 73.207; 47 CFR 73.213

Legal Deadline: None

Abstract: The Commission granted one petition and denied another petition for reconsideration of earlier amendments to Part 73 of its FM technician rules.

Timetable:

Action	Date	FR Cite
NPRM	04/03/86	
R&O	09/10/87	
MO&O	12/00/88	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: Associated Items mmb-311 NPRM, mm-86-144(a)

Agency Contact: Jay Jackson, Federal Communications Commission, 202 632-9660

RIN: 3060–AD74

3655. RADIO MULTIPLE OWNERSHIP & CROSS OWNERSHIP RULES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3555

Abstract: The Commission has proposed to relax a portion of the "duoploy" rule as it applies to AM and FM station ownership. The Commission also has proposed to relax a section of the one-to-a-market" rule to permit combinations of AM, FM, and UHF television stations in the top fifty markets. Under the proposed rule, common ownership of radio-television combinations would be considered on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-414 NPRM

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AD78

3656. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.614

Abstract: Report and Order to establish policy with respect to television satellite stations.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-421 NPRM

Agency Contact: Scott Roberts, Federal Communications Commission, 202 632-6302

RIN: 3060–AD79

3657. RADIO READING SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 73.593

Abstract: On 1/16/87 the Commission adopted a Notice of Inquiry seeking comments on appropriate costs to be imposed by non-commercial educational radio stations for radio reading services for the visually impaired. The Commission will consider issuance of a policy statement regarding this matter.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	
NPRM Comment Period End	01/16/87	
Policy Statement	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: RM-5434(PRB) RM-5509 NOI

FCC—MMB

Proposed Rule Stage

Agency Contact: Vicki Assevero, Federal Communications Commission, 202 632-7792

RIN: 3060–AD80

3658. DAYTIMERS ISSUES

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.21

Abstract: Further Notice of Proposed Rulemaking to explore implications of authorizing nighttime operation by AM daytime-only stations on U.S. clear channels.

Timetable:

Action	Date	FR Cite
NPRM	04/29/87	
R&O	11/18/87	
FNPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louis Stephens, Federal Communications Commission, 202 632-6955

RIN: 3060–AD85

3659. AM EXPANDED BAND: DOMESTIC

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: Inquiry into domestic issues resulting from expansion of the Am broadcasting band.

Timetable:

Action	Date	FR Cite
FNOI	02/25/88	
NPRM	12/31/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Freda Thyden, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060–AD92

3660. WIRELESS CAMERAS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.602; 47 CFR 74.604; 47 CFR 74.636; 47 CFR 74.637; 47 CFR 74.802

Abstract: Proposal to permit low power wireless cameras to operate on vacant UHF and VHF TV channels.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	
FNPRM	05/04/87	
R&O	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: MM-85-36(a)

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060–AE10

3661. FM TRANSLATORS: MOODY BIBLE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.1231

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by parties other than their primary station.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	
R&O	12/31/88	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: mmb-311 RM-5219

Agency Contact: Eugenia R. Hull, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-6302

RIN: 3060–AE11

3662. FM/TV DIRECTIONAL ANTENNA

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.316; 47 CFR 73.211

Abstract: Proposal to permit the use of directional FM antennas to provide greater flexibility in the selection of transmitter sites. This flexibility is intended as an assignment tool, not an allocation tool.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	
R&O	12/31/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060–AE12

3663. CHANNELS 14/69 INTERFERENCE: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 304

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: In the Report and Order the Commission will consider spacing criteria for TV applicants for channel 14 or 69 in order to protect adjacent band land mobile operations. The Further Notice would propose rules to permit flexible use of channels 14 and 69.

Timetable:

Action	Date	FR Cite
NOI/NPRM	10/20/87	
FNPRM/R&O	12/31/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Louis Whitsett, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060–AE13

3664. FM TRANSLATORS: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.1202; 47 CFR 74.1203; 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.1235

Abstract: This proceeding will provide a comprehensive reexamination of the Commission's FM translator rules.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	
NPRM Comment Period End	03/24/88	
R&O	12/31/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AE23

3665. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Abstract: This is a wide ranging proceeding into advanced TV systems, including: systems now under development, compatibility with existing TV systems, and the public interest implications for TV broadcast service in the United States.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
FNOI	12/01/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: RM-5811 NOI

Agency Contact: Steven Kaminer, Federal Communications Commission, 202 632-5414

RIN: 3060–AE24

3666. ● COMPARATIVE RENEWAL

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 308(b)

CFR Citation: 47 CFR 1.411

Legal Deadline: None

Abstract: This proceeding contemplates revised standards for use in comparative hearings between incumbent commercial radio and TV licensees seeking renewal of their licenses and competing applicants.

Timetable:

Action	Date	FR Cite
FNOI	06/23/88	
Policy Statement	03/31/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Andrew Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AE27

3667. ● AM: SKYWAVE PROPAGATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.190

Legal Deadline: None

Abstract: Proposal to improve the skywave propagation model utilized by the Commission.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, Federal Communications Commission, 202 254-3394

RIN: 3060–AE28

3668. ● AM: GROUND PROPAGATION: FNOI/FNPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.183; 47 CFR 73.184

Legal Deadline: None

Abstract: The Commission will consider proposals to refine its rules for calculating groundwave field strength contours.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, Federal Communications Commission, 202 254-3394

RIN: 3060–AE29

3669. ● FM CLASS C3 AND CLASS A FM UPGRADE PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.207; 47 CFR 73.211; 47 CFR 73.212

Legal Deadline: None

Abstract: Proposal to raise maximum power for Class A FM stations to 6kW from 3 kW, and to establish for FM stations in Zone II a new Class C3 (25 kW, 100m. HAAT) to close gap between upgrade Class A (6 kW, 100m.) and Class C2 (50 kW, 150m.)

Timetable:

Action	Date	FR Cite
R&O	12/31/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Jay Jackson, Federal Communications Commission, 202 632-9660

RIN: 3060–AE30

3670. ● TV NETWORKS RULES: TWO-YEAR RULE

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 308; 47 USC 309; 47 USC 403

CFR Citation: 47 CFR 73.658

Legal Deadline: None

Abstract: The Commission will examine the possibility of eliminating the two-year cap on affiliates contract with network on grounds that this rule

FCC—MMB — Proposed Rule Stage

is no longer necessary due to changed market conditions and actually inhibit competition.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Linda Blair, Federal Communications Commission, 202 632-7792

RIN: 3060–AE32

3671. ● PREMATURE CONSTRUCTION

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider a proposal to prohibit applicants for construction permits to commence constructions before the permits are issued by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Fawn Wilderson, Federal Communications Commission, 202 632-7792

RIN: 3060–AE33

3672. ● CABLE SYSTEM DEFINITION

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 522(6)(B)

CFR Citation: 47 CFR 76.5

Legal Deadline: None

Abstract: The Commission will seek comment on the need for clarification or amendment of the Commission's definition or its interpretation of the definition, of a cable television system in view of a recent Federal District Court decision construing the statutory definition of a cable system in the Cable Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Barrett Brick, Federal Communications Commission, 202 254-3407

RIN: 3060–AE34

3673. ● AM: ENHANCED NIGHTTIME OPERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 154

Legal Deadline: None

Abstract: Proposal for nighttime operation by daytime only AM radio stations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Freda Thyden, Federal Communications Commission, 202 254-3394

RIN: 3060–AE35

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Final Rule Stage

3674. TECHNICAL DEREGULATION: PART 73: TV

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.685; 47 CFR 73.688; 47 CFR 73.691; 47 CFR 73.698; 47 CFR 73.699

Abstract: The Commission has proposed various changes in the technical and operational requirements of Subpart E of Part 73 of the Rules, to delete any regulations that are unduly burdensome, outdated or unneeded.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	03/09/88	
R&O	12/00/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Bernard Gorden, Federal Communications Commission, 202 632-9660

RIN: 3060–AD58

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Completed Actions

3675. FOREIGN CLEARS: CT. REMAND: MINORITY PREFERENCE

Significance: Agency Priority

CFR Citation: 47 CFR 73.3571

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	04/06/88	
Final Action Effective	04/06/88	

Small Entities Affected: Businesses

Government Levels Affected: None

FCC—MMB

Completed Actions

Agency Contact: Vicki Assevero 202 632-7792

RIN: 3060–AD72

3676. MAIN STUDIO LOCATION

Significance: Agency Priority

CFR Citation: 47 CFR 73.1125; 47 CFR 73.1130

Completed:

Reason	Date	FR Cite
Final Action - MO&O adopted	07/11/88	
Final Action Effective	07/11/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Eileen Huggard 202 632-7792

RIN: 3060–AD75

3677. NONCOMMERCIAL BROADCAST: ISSUES-PROGRAMS LISTS

Significance: Agency Priority

CFR Citation: 47 CFR 73.3527

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted	02/16/88	
Final Action Effective	02/16/88	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Vickie Assevero 202 632-7792

RIN: 3060–AD76

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Completed Actions

3678. ● AMENDMENT OF PARTS 73 AND 76 OF THE COMMISSION'S RULES RELATING TO PROGRAM EXCLUSIVITY IN THE CABLE AND BROADCAST INDUSTRIES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 76

Legal Deadline: None

Abstract: This final rule permits, but does not require, local broadcasters to acquire and enforce exclusive rights to video programming. It provides over-the-air broadcasters an ability to acquire exclusive programming rights that are comparable to that are available to other distributors.

Timetable:

Action	Date	FR Cite
NPRM	02/01/87	
NPRM Comment Period End	09/22/87	
Final Action Final Rule amendments for Parts 73 and 76 are complete.	07/15/88	
Final Action Effective	08/08/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Dr. Kenneth Gordon, Senior Economist, Federal Communications Commission, Room 822, 1919 M St., N.W., Washington, D.C. 20554, **202 653-5940**

RIN: 3060–AE26

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Proposed Rule Stage

3679. WIRELINE COMMON CARRIERS - OPERATION OF SMRS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.603

Legal Deadline: None

Abstract: The FCC has proposed amending Subparts M & S of Part 90 of its rules governing private land mobile radio to permit wireline common carriers to be eligible to apply for a license in the Specialized Mobile Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	07/03/86	
R&O	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gay Ludington, Federal Communications Commission, **202 634-2443**

RIN: 3060–AD54

3680. MULTIPLE ADDRESS SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 94

Legal Deadline: None

Abstract: The FCC has modified the rules and policies governing 900 MHz multiple address system (MAS) operations. A number of rule sections were revised and clarified.

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Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 4161
NPRM Comment Period End	04/07/87	
R&O	02/25/88	53 FR 11855
MO&O	12/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Herb Zeiler/Molly Nichols, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 634-2443

RIN: 3060–AE09

3681. ● AMEND PART 80 TO PRECLUDE ACCIDENTAL OR INTENTIONAL OFF- FREQUENCY OPERATION OF EXTERNALLY CONTROLLED SYNTHESIZED RADIO TRANSMITTERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 46 CFR 80

Legal Deadline: None

Abstract: The FCC has proposed on its own motion to restrict the operation of VHF ship radio transmitters with external programming and selection capability.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: W. Berges, Federal Communications Commission, 202 632-7175

RIN: 3060–AE41

3682. ● SUBPART M&S RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules applicable to communications entrepreneurs who operate SMR stations. Loading standards, waiting list procedures and eligibility requirements were affected.

Timetable:

Action	Date	FR Cite
NPRM	10/16/86	51 FR 45025
R&O	02/15/88	53 FR 12154
MO&O	12/00/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Irene Bleiweiss, Federal Communications Commission, 202 634-2443

RIN: 3060–AE42

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Final Rule Stage

3683. PART 90 REVIEW - SUBPARTS M&S INCL. ASNA PET., SUBPART S WAIT LIST

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.364; 47 CFR 90.627

Abstract: NPRM proposes to permit greater flexibility and enhanced service options for SMR licensees and end users. Includes proposals regarding loading standards, waiting list procedures and eligibility requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/86	51 FR 45025
ANPRM Comment Period End	02/20/87	
NPRM	04/03/87	
R&O	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Nia Cresham, Federal Communications Commission, 202 634-2443

RIN: 3060–AD69

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Completed Actions

3684. REVISION AND REORGANIZATION OF AVIATION RULES (PART 87)

Significance: Agency Priority

CFR Citation: 47 CFR 87

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted 6/23/88.	06/23/88	53 FR 28940
Final Action Effective	08/01/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: M. Cesaitis 202 632-7175

RIN: 3060–AE08

3685. SPECIAL EMERGENCY RADIO PRIVATE CARRIERS

Significance: Agency Priority

CFR Citation: 47 CFR 90.35

FCC—PRB

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action - R&O adopted 5/18/88	05/18/88	53 FR 25607
Final Action Effective	05/18/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Irene Bleiweiss 202 634-2443

RIN: 3060–AE19

3686. MULTIPLE ADDRESS SYSTEMS

Significance: Agency Priority

CFR Citation: 47 CFR 94

Completed:

Reason	Date	FR Cite
Duplicate RIN - this RIN is a duplicate of RIN 3060-AE09	10/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Herb Zeiler 202 634-2443

RIN: 3060–AE20

3687. REVISION AND REORGANIZATION OF AVIATION RULES (PT. 87)

Significance: Agency Priority

CFR Citation: 47 CFR 87

Completed:

Reason	Date	FR Cite
Duplicate of RIN 3060-AE08	10/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: M. Cesaitis 202 632-7175

RIN: 3060–AE21

[FR Doc. 88-21383 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part XLVIII

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the October 1988 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: August 26, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

Prerule Stage

Sequence Number	Title		Regulation Identifier Number
3688	12 CFR 309	Disclosure of Information	3064-AA65
3689	12 CFR 311	Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3690	12 CFR 330	Clarification and Definition of Deposit Insurance Coverage	3064-AA68

Proposed Rule Stage

Sequence Number	Title		Regulation Identifier Number
3691	12 CFR 346	Foreign Banks	3064-AA78
3692	12 CFR 344	Securities Recordkeeping and Confirmations	3064-AA30
3693	12 CFR 335	Securities of Insured Nonmember Banks	3064-AA45
3694	12 CFR 303	Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA90

Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
3695	12 CFR 308	Rules of Practice and Procedures	3064-AA64
3696	12 CFR 303	Delegations of Authority to Act on Applications	3064-AA84
3697	12 CFR 336	Employee Responsibilities and Conduct	3064-AA07
3698	12 CFR 325	Capital; Risk-Based Capital Guidelines	3064-AA37

FDIC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3699	12 CFR 338 Fair Housing	3064-AA81
3700	12 CFR 326 Minimum Security Devices and Procedures and Bank Secrecy Act Compliance	3064-AA77
3701	12 CFR 324 Agricultural Loan Loss Amortization	3064-AA87
3702	12 CFR 346 Foreign Banks; Country Exposures Concentration	3064-AA89

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3688. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Dudine, Chief, Special Activities Section, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6750

RIN: 3064–AA65

3689. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3813

RIN: 3064–AA66

3690. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. William Via, Jr., Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3733

RIN: 3064–AA68

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

3691. FOREIGN BANKS

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Legal Deadline: None

Abstract: The FDIC is preparing for public comment revisions to Part 346 of its rules and regulations which sets out the rules governing FDIC-insured branches of foreign banks. The rules relate to: policy regarding the operation of insured and noninsured branches by

FDIC **Proposed Rule Stage**

a foreign bank; pledge of assets; and asset maintenance. The revised Part 346 is a result of the review conducted under FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6850

RIN: 3064–AA78

3692. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None

Abstract: The FDIC expects to propose an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Harvey, Chief, Review Unit, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6762

RIN: 3064–AA30

3693. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff is currently preparing such conforming amendments for public comment based on recent rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6885

RIN: 3064–AA45

3694. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 1817(j)(13); 12 USC 1819; PL 99-570, Sec 1360

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC is preparing for public comment amendments to section 303.4 of Part 303 of its regulations to implement certain amendments to the Change in Bank Control Act of 1986. Under the planned proposal, the FDIC may waive the newspaper publication or comment solicitation requirements of the regulation, or may act on a proposed change in control prior to the expiration of the comment period. The planned proposal also provides that the FDIC may shorten the public comment period to a period of not less than 10 days.

Timetable:

Action	Date	FR Cite
NPRM	09/20/88	53 FR 36464
NPRM Comment Period End	11/21/88	
Final Action	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katharine H. Haygood, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3732

RIN: 3064–AA90

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) Final Rule Stage

3695. RULES OF PRACTICE AND PROCEDURES

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Legal Deadline: None

Abstract: The FDIC is preparing final revisions to Part 308 of FDIC's rules and regulations which governs the conduct of administrative proceedings before the FDIC. The changes will include a reorganization of existing sections of Part 308, revisions of some sections that existed previously, and the addition of new sections. The purpose of the revised regulation is to secure a just, orderly, and speedy determination of administrative proceedings before the FDIC. The revised Part 308 is a result of the review conducted under FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
NPRM	02/24/88	53 FR 5392
NPRM Comment Period End	04/25/88	
Final Action	10/00/88	

Small Entities Affected: None

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Government Levels Affected: None

Agency Contact: Nancy Alper, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064–AA64

3696. ● DELEGATIONS OF AUTHORITY TO ACT ON APPLICATIONS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC is preparing final amendments to Part 303 of its rules and regulations to clarify and, in some cases, to modify the delegations of authority for acting on a variety of applications (e.g., mergers, branches, relocations, deposit insurance, trust and banking powers, change in control, and management interlocks). The amendments do not alter any rights or obligations of any person, bank, or other applicant.

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken A. Quincy, Chief, Applications Section, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6753

RIN: 3064–AA84

3697. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1819; EO 11222; EO 12565

CFR Citation: 12 CFR 336

Legal Deadline: None

Abstract: The FDIC has issued for public comment a revision of Part 336 of its rules and regulations which governs the standards of ethical and other conduct of FDIC employees. Significant changes include identifying certain employees subject to reporting requirements and credit restrictions by position description series code; clarifying the permissible conditions of acceptance of food, refreshments, entertainment, and mementos; modifying existing credit restrictions with regard to credit cards; and other matters.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26262
NPRM Comment Period End	09/12/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine A. Corigliano, Ethics Program Manager, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-7272

RIN: 3064–AA07

3698. ● CAPITAL; RISK-BASED CAPITAL GUIDELINES

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: The FDIC has issued for public comment a proposal to amend Part 325 of its rules and regulations by adding an appendix to Part 325 regarding a statement of policy on risk-based capital that would apply to all insured state nonmember banks. The risk-based capital framework reflected in the proposed policy statement was developed jointly with representatives from the Federal Reserve System and the Office of the Comptroller of the Currency. It is largely based on the December 10, 1987, consultative paper prepared by the Basle Committee on Banking Regulations and Supervisory Practices.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/88	53 FR 8550
Proposed Guidelines Comment Period End	05/13/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6894

RIN: 3064–AA37

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

3699. FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 15 USC 1691 et seq; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Legal Deadline: None

Abstract: The FDIC is preparing final amendments to its fair housing regulation, 12 CFR Part 338, which applies to insured state nonmember banks. The amendments would eliminate home-equity loans, as well as home improvement, maintenance and repair loans from the data-gathering requirement. Accordingly, the data-gathering requirement would then only apply to home purchase, construction and refinancing loans. The FDIC believes that the amendments would reduce the paperwork burden on the banking industry without impairing enforcement of fair housing lending laws.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30928
NPRM Comment Period End	10/19/87	
Final Action	08/16/88	53 FR 30831
Final Action Effective	09/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. McCormick, Fair Lending Analyst, Office of Consumer Affairs, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3536

RIN: 3064–AA81

3700. ● MINIMUM SECURITY DEVICES AND PROCEDURES AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1813; 12 USC 1815; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1881 to 1883; 31 USC 5311 to 5324

CFR Citation: 12 CFR 326

Legal Deadline: None

Abstract: The FDIC amended Part 326 of its Rules and Regulations covering minimum security devices and procedures and Bank Secrecy Act compliance. Among other things, the amendment reduces the overall recordkeeping burden by eliminating the requirement that insured nonmember banks retain a record identifying the law enforcement official consulted on security matters. However, the consultation continues to be mandated.

Other technical changes were made to the regulation. The term "insured nonmember bank" has been substituted for the term "insured state nonmember bank" whenever the latter term previously appeared in Part 326. This was done to clarify the applicability of all sections of Part 326 to insured branches of foreign banks.

Timetable:

Action	Date	FR Cite
Final Action	05/19/88	53 FR 17916
Final Action Effective	05/19/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Eugene Seitz, Review Examiner, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6793

RIN: 3064–AA77

3701. AGRICULTURAL LOAN LOSS AMORTIZATION

Legal Authority: 12 USC 1823(j); 12 USC 1819

CFR Citation: 12 CFR 324

Legal Deadline: Final, Statutory, November 9, 1987. Other, Statutory, November 9, 1987.

Abstract: The FDIC adopted a final rule which establishes eligibility requirements and application procedures for FDIC-insured state nonmember banks in distressed agricultural regions of the country desiring to amortize farm loan losses.

Timetable:

Action	Date	FR Cite
Interim Rule	11/02/87	52 FR 41966
Interim Rule Effective	11/09/87	
Final Action Effective	11/09/87	
Interim Rule Comment Period End	01/08/88	
Final Action	06/14/88	53 FR 22130

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William C. Crothers, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6906

RIN: 3064–AA87

3702. ● FOREIGN BANKS; COUNTRY EXPOSURES CONCENTRATION

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Legal Deadline: None

Abstract: In a December 1987 amendment (52 FR 49156, December 30, 1987), section 346.23 of the FDIC Rules and Regulations was amended to specify that country exposures by insured branches of foreign banks operating as such on November 19, 1984, must be within prescribed limits by June 14, 1988. The Board of Directors has extended the time for compliance with these limits to December 31, 1988.

Timetable:

Action	Date	FR Cite
Final Action	06/13/88	53 FR 21986
Final Action Effective	06/13/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6850

RIN: 3064–AA89

[FR Doc. 88-20682 Filed 10-21-88; 8:45 am]

BILLING CODE 6714-01-T

federal register

Monday
October 24, 1988

Part XLIX

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 88-15, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 20 rulemakings listed, 13 are current and projected rulemakings and 7 are completed actions.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Lois D. Cashell,

Acting Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3703. FEES FOR HYDROPOWER PROJECTS

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None

Abstract: The rulemaking would establish a fee for services performed by the Commission under the Federal Power Act for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA48

3704. STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 11222

CFR Citation: 18 CFR 3c

Legal Deadline: None

Abstract: This rulemaking proceeding would update and revise the Commission's Standards of Conduct for employees and Commissioners. Docket No. RM88-8-000.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB01

3705. OPTIONAL PROCEDURES FOR NATURAL GAS PIPELINE CERTIFICATES

Significance: Agency Priority

Legal Authority: 15 USC 717f

CFR Citation: 18 CFR 157

Legal Deadline: None

Abstract: The rulemaking will consider revision of the Commission's regulations, codified at 18 C.F.R. Part 157, Subpart E, governing optional procedures to obtain a certificate for transportation and sale of natural gas facilities under Section 7 of the Natural Gas Act. Docket No. RM88-11-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB03

3706. ● BROKERING OF INTERSTATE NATURAL GAS PIPELINE CAPACITY

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1976; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978 Comp., p.142; 4 USC 551 to 557 (1982) Administrative Procedures Act; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 7901 to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Utilities Reg. Pol. Act; 49 USC 1 to 27 (1982) Interstate Commerce Act

CFR Citation: 18 CFR 284; 18 CFR 385

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission is proposing to allow holders of firm transportation rights on an interstate natural gas pipeline to sell or assign (broker) those rights. Rights to the pipeline's system storage could also be brokered to the extent that these rights are subject to Secs. 284.8 and 284.9 of the Commission's regulations. Docket No. RM88-13-000

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	53 FR 15061
NPRM Comment Period End	05/19/88	53 FR 15061

Next Action Undetermined

FERC

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The date for filing reply comments was September 16, 1988.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB06

3707. ● REGULATIONS GOVERNING THE PUBLIC UTILITIES REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978, Comp., p. 142; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Util. Regulatory Pol. Act

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission is proposing to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. Docket No. RM88-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 31021
NPRM Comment Period End	10/27/88	53 FR 31021

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Public hearing will commence November 16, 1988 and reply comments are due November 28, 1988.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB07

3708. ● 5-YEAR TAKE-OR-PAY MAKE-UP PROVISIONS IN NATURAL GAS PRODUCER-PIPELINE CONTRACTS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009 (1978) 3 CFR Part 142; 31 USC 9701 (1970) Independent Offices Approp. Act

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: This notice of proposed rulemaking eliminates the requirement in the Commission's regulations that a gas purchase contract between an independent natural gas producer and an interstate natural gas pipeline must allow the pipeline a minimum 5-year make-up period in which to take gas for which payment has already been made. The Commission believes that this requirement, established in 1967, may no longer be necessary in light of current efforts by pipelines and producers to resolve take-or-pay issues and to enter into market-responsive contracts for future gas supplies. Docket No. RM88-20-000.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 27704
NPRM Comment Period End	08/15/88	53 FR 27704

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB08

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Final Rule Stage

3709. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 791a to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: The proposed rule would provide that the cash working capital requirements of a public utility that files an electric rate schedule will be presumed to be zero dollars, and thus will not affect the utility's rate base, unless the utility shows there is a significant difference between the time it pays certain current operating expenses and the time it receives revenues from ratepayers. The proposed rule would establish a threshold standard that must be met to support a cash working capital adjustment to a utility's rate base, the expense elements to be considered in calculating cash working capital adjustments to rate base, and criteria applicable to studies submitted in support of a request for an adjustment to rate base. Docket No. RM84-9-000.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	06/04/84	
Final Action	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA33

3710. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352 (1982); EO 12009 3 CFR 1978 Comp., p.142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791 to 828c (1982); 15 USC 3301 to 3402 (1982); 16 USC 2601 to 2645 (1982)

FERC

Final Rule Stage

CFR Citation: 18 CFR 2; 18 CFR 284.10; 18 CFR 284.8; 18 CFR 284.9; 18 CFR 2.104; 18 CFR 2.105

Legal Deadline: None

Abstract: Order No. 500 is an interim rule that readopted the regulations promulgated in Order No. 436 with one addition and one deletion. Order No. 500 added a requirement that producers submit an offer of take-or-pay credits to an open access pipeline in order to make the pipeline's gas eligible for transportation (unless the pipeline and producer agree to a different arrangement); it deleted the customers' contract demand reduction option. Order No. 500 also adopted a policy on passthrough mechanisms for take-or-pay buyout and buydown costs and on gas inventory charges. Order Nos. 500-A, 500-B, 500-C and 500-D made changes to the crediting provisions and extended certain deadlines. Rehearing of the Order No. 500 interim rule was denied in Order No. 500-E. Docket No. RM87-34-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/87	52 FR 30334
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: See Order Explaining Crediting (Oct. 16, 1987) and Order Nos. 500-A, 500-B, 500-C, 500-D and 500-E for more details.

Agency Contact: Susan J. Court, Associate General Counsel, Gas and Oil, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8448

RIN: 1902–AA97

3711. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982); EO 12009 3 CFR 142 (1978); 31 USC 9701 (1982); 16 USC 7919 to 8252 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations authorizing state regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities (QFs) under section 210 of PURPA. Docket No. RM88-5-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9323
NPRM Comment Period End	06/14/88	53 FR 9323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The date for filing reply comments was September 14, 1988.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA98

3712. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 3401; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791a to 828c (1982); 15 USC 3301 to 3432 (1982); 16 USC 2601 to 2645 (1982); 49 USC 1 to 27 (1976)

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of non-traditional utility suppliers, called independent power producers (IPPS). The proposed regulations would: (1) authorize rates for IPPS to be determined through competition or rate negotiation subject to a price cap, thereby freeing IPPS from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness: (2) authorize IPPs to file rate schedules without having to provide extensive cost support; (3) exempt IPPS from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPS; (5) provide the blanket prior authorizations to engage in certain corporate activities; and (6) adopt and advance certification procedures to qualify as an IPP. Docket No. RM88-4-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9327
NPRM Comment Period End	06/16/88	53 FR 9327
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The date for filing reply comments was September 14, 1988.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA99

3713. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: PL 99-495; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 31 USC 9701 (1982); 16 USC 791a to 825r (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission is proposing to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities (QFs). Docket No. RM 88-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9331
NPRM Comment Period End	06/14/88	53 FR 9331
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The date for filing reply comments was September 14, 1988.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North

Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB00

3714. RELICENSING REGULATIONS UNDER THE FEDERAL POWER ACT

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 42 USC 7101 to 7352; EO 12009 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 16

Legal Deadline: None

Abstract: In this notice of proposed rulemaking, the Commission proposes to revise its regulations governing the relicensing of hydroelectric power projects. The proposed changes include revised requirements for an application for a new license, a process for pre-filing consultation with resource agencies, a new standard and factors for evaluating a relicensing application for a nonpower license, a minor license, and an exemption from licensing upon expiration of an existing license and would provide for acceleration of a license expiration date and site access for competing applicants. The proposal implements in part changes made to the Federal Power Act by the Electric Consumers Protection Act of 1986. Docket No. RM87-33-000.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 21844
NPRM Comment Period End	09/08/88	53 FR 21844
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB02

3715. ● REGULATIONS UNDER SECTION 5 OF THE OUTER CONTINENTAL SHELF LANDS ACT (OCSLA) GOVERNING TRANSPORTATION OF NATURAL GAS ON THE OUTER CONTINENTAL SHELF

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1978; 43 USC 1331 to 1356 (1982) Outer Contin. Shelfs Lands Act; EO 12009, 3 CFR 1978 Comp., p. 142

CFR Citation: 18 CFR 284

Legal Deadline: None

Abstract: The Commission issued a notice of proposed rulemaking to implement the Commission's interpretation of section 5 of the Outer Continental Shelf Lands Act. This rulemaking would require all jurisdictional interstate natural gas pipelines operating on the Outer Continental Shelf to have a blanket certificate under Subpart G of Part 284 of the Commission's regulations, which authorize the transportation of natural gas on behalf of others on an open and nondiscriminatory basis. Docket No. RM88-15-000.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	53 FR 14923
NPRM Comment Period End	05/26/88	53 FR 14923
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB09

FEDERAL ENERGY REGULATORY COMMISSION (FERC) Completed Actions

3716. HYDROELECTRIC APPLICANTS SEEKING BENEFITS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 ON PROJECTS LOCATED AT A NEW DAM OR DIVERSION

Significance: Agency Priority

CFR Citation: 18 CFR 4; 18 CFR 292; 18 CFR 375

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26992
Final Action Effective	09/16/88	53 FR 26992

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA78

3717. INFORMATION TO BE MADE AVAILABLE BY HYDROELECTRIC LICENSEES UNDER SECTION 4(A) OF THE ELECTRIC CONSUMERS PROTECTION ACT OF 1986

Significance: Agency Priority

CFR Citation: 18 CFR 16

Completed:

Reason	Date	FR Cite
Final Action Order No. 496	05/04/88	53 FR 15804
Final Action Effective	06/03/88	53 FR 15804

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA88

3718. INQUIRY INTO ALLEGED ANTICOMPETITIVE PRACTICES RELATING TO MARKETING AFFILIATES OF INTERSTATE PIPELINES

Significance: Agency Priority

CFR Citation: 18 CFR 161; 18 CFR 250; 18 CFR 284

Completed:

Reason	Date	FR Cite
Final Action Order No. 497	06/01/88	53 FR 22139
Final Action Effective	07/14/88	53 FR 22139

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA90

3719. NATURAL GAS DATA COLLECTION SYSTEM

Significance: Agency Priority

CFR Citation: 18 CFR 154; 18 CFR 157; 18 CFR 260; 18 CFR 284; 18 CFR 385; 18 CFR 388

Completed:

Reason	Date	FR Cite
Final Action Order No. 493	04/27/88	53 FR 15023
Final Action Effective	08/10/88	53 FR 19283

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA94

3720. PROCEDURES FOR THE ASSESSMENT OF CIVIL PENALTIES UNDER SECTION 31 OF THE FEDERAL POWER ACT

Significance: Agency Priority

CFR Citation: 18 CFR 385

Completed:

Reason	Date	FR Cite
Final Action	08/17/88	53 FR 32035
Final Action Effective	10/24/88	53 FR 32035

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AA96

3721. IMPLEMENTATION OF SECTION 8 OF THE ELECTRIC CONSUMER PROTECTION ACT OF 1986; HYDROELECTRIC APPLICANTS WITH NEW DAM OR DIVERSION PROJECTS SEEKING BENEFITS UNDER PURPA (1978)

Significance: Agency Priority

CFR Citation: 18 CFR 4; 18 CFR 292; 18 CFR 375

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26992
Final Action Effective	09/16/88	53 FR 26992

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB04

3722. FILING FEES UNDER INDEPENDENT OFFICES APPROPRIATIONS ACT OF 1952

Significance: Agency Priority

CFR Citation: 18 CFR 3; 18 CFR 4; 18 CFR 157; 18 CFR 292; 18 CFR 375; 18 CFR 381; 18 CFR 388

Completed:

Reason	Date	FR Cite
Final Action Order No. 494	04/06/88	53 FR 15374
Final Action Effective	05/31/88	53 FR 15374

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB05

[FR Doc. 88-20683 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part L

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FEDERAL HOME LOAN BANK BOARD (FHLBB)

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 88-853]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the "October Unified Agenda of Federal Regulations."

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: August 29, 1988.
By the Federal Home Loan Bank Board.
Nadine Y. Washington,
Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Proposed Rule Stage

3723. ● RULES OF PRACTICE AND PROCEDURE

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1730q; 12 USC 1730a; PL 89-695; PL 89-630

CFR Citation: 12 CFR 509; 12 CFR 512

Legal Deadline: None

Abstract: The Bank Board is proposing revisions to 12 CFR Parts 509 and 512 respectively, its regulations governing rules of practice and procedure in adjudicatory proceedings. The proposed revisions to Part 509 would streamline prehearing procedures with a view toward expediting the proceedings, clarify the authority of Administrative Law Judges appointed to conduct the proceedings, and add several new provisions. The proposed revisions to Part 512 would be of a clarifying and technical nature and would update several provisions of the rules relating to the conduct of investigative and formal examination proceedings.

There are no alternatives that would be less burdensome than the proposed amendments in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulations on the industry have not been quantified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary A. Gregenheimer, Senior Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1735 Eye Street, N.W., Washington D.C. 20552, 202 653-2612

RIN: 3068–AA64

3724. ● READMISSION OF FEDERAL HOME LOAN BANK MEMBERS TERMINATING THEIR STATUS AS INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730(i); PL 89-695; 12 USC 1426(i)

CFR Citation: 12 CFR 523

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations governing applications for membership in the Federal Home Loan Bank ("FHLBank") System by institutions that have been removed from membership under the National Housing Act by virtue of the termination of Federal Savings and Loan Insurance Corporation ("FSLIC") insurance of their accounts. Specifically, the proposal would amend Part 523 of the Boards Rules and Regulations for the Federal Home Loan Bank System, to provide that an FHLBank member that terminates its status as an FSLIC-insured institution and is thereby removed from FHLBank membership (as well as any other member whose membership is terminated pursuant to section 6(i) of the Federal Home Loan Bank Act), may be readmitted as a member only after the expiration of a five year period following its departure from the FHLBank System.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30686
NPRM Comment Period End	10/14/88	53 FR 30686
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: John A. Buchman, Deputy Director for Industry Structure, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, DC 20552, 202 377-6963

RIN: 3068–AA66

FEDERAL HOME LOAN BANK BOARD (FHLBB)

Final Rule Stage

3725. CONSERVATORS AND RECEIVERS

Legal Authority: 12 USC 1464; 12 USC 1724(d); 12 USC 1729; PL 99-120, Sec 6

CFR Citation: 12 CFR 547; 12 CFR 548; 12 CFR 549; 12 CFR 563.8-3, (proposed new section); 12 CFR 563.39(a); 12 CFR 569a; 12 CFR 569b, (proposed new Part); 12 CFR 569c, (proposed new Part)

Legal Deadline: None

Abstract: The Board is proposing extensive revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which that are insured by the Federal Savings and Loan Insurance Corporation. The Board will unify the appointment of receiver procedures for state and federal institutions; adopt procedures for appointment of receivers under section 406(c)(1)(B) of the National Housing Act; and address the priorities in liquidation and participation interests in liquidation, which are absent from or inadequately covered in the present regulations. The Board is also proposing that its regulations cover topics such as the effect of the receivership appointment on executory contracts, employment agreements, certain "Golden Parachute" agreements, participation agreements, repurchase agreements, and on agreements relating to secured and unsecured borrowings by an insured institution, including agreements providing for prepayment or default penalties. The proposed regulations provide for new rules of general applicability in the areas previously mentioned, clarify existing provisions, and reorganize and recodify all the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 48970
NPRM Publication of Board Action	11/27/85	50 FR 48970
NPRM Comment Period End	01/22/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations governing conservatorships and receiverships.

There are no alternatives being considered by the Board in lieu of the proposed regulation that would have less impact on small institutions, consistent with the intended result, than the concerns expressed in the supplementary information to the proposed rule and the existing statutory requirements concerning receiverships and conservatorships.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

On July 5, 1988, the Board promulgated as a final rule certain portions of this proposed rule.(53 F.R.25129) The final rule establishes a priority structure for unsecured claims applicable to all FSLIC receiverships under a new Part 569c of Title 12 of the Code of Federal Regulations.

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, **202 377-6428**

RIN: 3068–AA07

3726. CORPORATE GOVERNANCE, PARTS III AND IV

Legal Authority: 12 USC 1464; 12 USC 2609

CFR Citation: 12 CFR 501.12, (new section); 12 CFR 543.10-5; 12 CFR 544.9-2, (new section); 12 CFR 544.10-5; 12 CFR 545.2; 12 CFR 545.3; 12 CFR 545.12; 12 CFR 545.21; 12 CFR 454.32; 12 CFR 545.33; 12 CFR 545.34; 12 CFR 545.46; 12 CFR 545.74; 12 CFR 545.91; 12 CFR 545.95; ...

Legal Deadline: None

Abstract: The Bank Board is proposing extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board has presented the proposal in parts, issued separately for public comment. The proposed regulations would reorganize portions of Subchapter C (the regulations for federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part I, previously proposed, would provide definitions and rules for the organization and incorporation of Federal associations. Part II, also previously proposed, would contain provisions regarding the corporate structure and governing processes for Federal stock associations and Federal mutual associations. Part III proposes revisions to the rules governing operations of and charter conversion from and to Federal associations. Part IV proposes provisions regarding conservatorships, receiverships, trust powers, miscellaneous provisions, Board rulings, and statements of policy. The (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	52 FR 25870
NPRM Comment Period End	02/01/88	52 FR 42116
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: CFR citation (cont'd) 12 CFR 545.114, 12 CFR 545.121, 12 CFR 545.123, 12 CFR 545.131, 12 CFR 546.1, 12 CFR 546.2, 12 CFR 546.3, 12 CFR 546.4, 12 CFR 546.5, 12 CFR 546.6, 12 CFR 546.7, 12 CFR 546.8, 12 CFR 546.9, 12 CFR 546.10, 12 CFR 546.11, and 12 CFR 551.

Abstract Cont: proposed rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Kathleen M. Ulrich, Staff Attorney, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-7049**

RIN: 3068–AA25

3727. ACCOUNTING POLICY RELATING TO ACQUISITION, DEVELOPMENT AND CONSTRUCTION LOANS

Legal Authority: Notice to Practitioners on ADC Loans, CPA Letter, Feb 10, 1986

CFR Citation: 12 CFR 571.1

Legal Deadline: None

Abstract: The Bank Board proposed to amend its statement of accounting policy relating to acquisition, development and construction ("ADC")

loans used by all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") or affiliates thereof when preparing reports or financial statements for filing with the Bank Board or the FSLIC. The amendments relate to the recent "Notice to Practitioners" issued by the American Institute of Certified Public Accountants, which superseded two prior notices issued in November 1983 and November 1984, and to the public position regarding the effective date of the recent notice taken by the Chief Accountant of the Securities and Exchange Commission. By proposing this amendment to its statement of policy, the Bank Board is adhering to its policy that insured institutions are expected to apply the guidance of the accounting profession for determining whether a transaction characterized as an ADC loan is in fact a loan or whether, in substance, it is a real estate investment or a joint venture. The proposed rule would apply equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 7887
NPRM Comment Period End	05/12/87	52 FR 7887
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information:

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6445

RIN: 3068–AA27

3728. INSURANCE TERMINATION PROVISIONS

Legal Authority: 12 USC 1464; 12 USC 1727; 12 USC 1730

CFR Citation: 12 CFR 565

Legal Deadline: None

Abstract: The Bank Board is reviewing a number of issues relating to the extent to which institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") that terminate their insured status in connection with transfers by operation of law must pay a final insurance premium to the FSLIC. As part of its review, the Bank Board is soliciting public comment to ascertain whether to issue a proposal in this area. On October 7, 1986, the Bank Board adopted a clarifying amendment to the definition of "transfers" set forth in its statement of policy regarding mergers and transfers of assets. (12 CFR 571.5(a)). However, as the clarification indicates, the interpretation did not specifically address the separate issues of whether an insured institution undertaking a transfer of assets and liabilities by operation of law in which the surviving entity is not FSLIC-insured must pay a final insurance premium to the FSLIC, and if so, the amount of such payment. The Bank Board has been reviewing this so-called "exit premium" issue on an ongoing basis and as yet has made no final determination with respect to this matter.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17408
ANPRM Comment Period End	07/07/87	52 FR 17408
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In view of the continued importance of this issue as it relates to the financial condition of the FSLIC insurance fund, the Bank Board is hereby soliciting public comment on this subject.

Since the proposal is only an advance notice of proposed rulemaking, the potential costs and benefits of a proposed regulation on the industry have not been quantified.

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6963

RIN: 3068–AA28

3729. INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES OF FEDERAL HOME LOAN BANKS

Legal Authority: 5 USC 553

CFR Citation: 12 CFR 522.72

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations governing the indemnification of directors, officers, and employees of the Federal Home Loan Banks ("FHL Banks"). This amendment would clarify that expenses incurred by FHL Bank directors, officers, and employees in connection with litigation are to be reimbursed as they are incurred, but that, by majority vote of its board of directors, a FHL Bank could require repayment of expenses that it finds to have been beyond the scope of the Bank Board's indemnification regulation. The proposal applies only to directors, officers, and employees of the FHL Banks, none of which falls within the definition of a "small financial institution" given by the Small Business Administration.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposal on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	04/16/87	52 FR 12425
NPRM Comment Period End	06/15/87	52 FR 12425
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joan Van Berg, Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-7023

RIN: 3068–AA30

FHLBB

Final Rule Stage

3730. ● ASSESSMENT AND ADJUSTMENT OF ADDITIONAL PREMIUMS

Significance: Agency Priority

Legal Authority: 12 USC 1727

CFR Citation: 12 CFR 563.15; 12 CFR 563.16

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its Insurance Regulations by adding a new regulation regarding the assessment of additional insurance premiums against institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.("FSLIC") The proposal would implement by regulation the FSLIC's authority to assess additional insurance premiums and would provide for an adjustment of such premiums based on insured institutions' capital levels. In the Board's view, it is important to base the amount of additional insurance premiums assessed on the amount of capital held by an insured institution because capital provides the most effective buffer against loss and risk to the FSLIC fund.The primary purpose of the proposal is to offer insured institutions an incentive to raise capital.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

Timetable:

Action	Date	FR Cite
NPRM	04/21/88	53 FR 13131
NPRM Comment Period End	06/06/88	53 FR 13131
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Richard Schwartz, Staff Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 377-6897

RIN: 3068–AA60

3731. ● PREAPPROVED SECURITIES BROKERAGE SERVICE CORPORATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 1425a; 12 USC 1725 to 1726; 12 USC 1730

CFR Citation: 12 CFR 545.74

Legal Deadline: None

Abstract: The Board is proposing to adopt amendments to 12 CFR 545.74, its service corporation regulations, by inserting a new paragraph 545.74(c)(4) "security brokerage activities" and renumbering subsequent paragraphs. The purpose to the proposed amendments is to enable service corporations to commence certain types of securities brokerage activities, without preparing an application and obtaining individual Board approval. The amendments designate certain types of securities brokerage activities as preapproved service corporation activities.

Other alternatives, such as the present rules, may tend to prolong the waiting period for permission to engage in brokerage activities. More liberal provisions may raise questions of statutory authority.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16148
NPRM Comment Period End	06/06/88	53 FR 16148
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Dean V. Shahinian, Deputy Director for Corporate Activities, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G street, N.W., Washington, D.C. 20552, 202 377-7289

RIN: 3068–AA61

3732. ● INVESTMENT PORTFOLIO POLICY AND ACCOUNTING GUIDELINES

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1725 to 1726; 15 USC 78c

CFR Citation: 12 CFR 571.19; 12 CFR 563c

Legal Deadline: None

Abstract: The Board is proposing to amend its regulations governing institutions insured by the Federal Savings and Loan Insurance Corporation by adopting a statement of policy and by amending its rules to clarify that insured institutions must account for securities held for investment sale and/or trading in accordance with generally acceptable accounting procedures ("GAAP"). The proposed policy statement requires an insured institution's board of directors to document and monitor its investment in policy and strategies; discuss the appropriate documentation of investment decisions; summarize GAAP applicable to securities held for investment,sale, and/or trading; and offer guidance on the application of GAAP by insured institutions in determining when securities should be accounted for as a security held for trading. The Board's intent is to provide guidance and clarifications to insured institutions on the accounting for and classification of investment in securities within the confines of existing accounting literature.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23247
NPRM Comment Period End	08/22/88	53 FR 23247
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Julie A. Gerschick, Professional Accounting Fellow, Office of Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, 202 331-4583

RIN: 3068–AA62

3733. ● TRANSACTIONS WITH AFFILIATES

Significance: Agency Priority

Legal Authority: 12 USC 1730a; 12 USC 1425a; 12 USC 1462; 12 USC 1724; PL 100-86

CFR Citation: 12 CFR 584.3

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations pertaining to transactions between institutions whose accounts are insured by the Federal

Savings and Loan Insurance Corporation and affiliates of those institutions. The proposed amendments (1) define and clarify the applicability of the limitations and prohibitions specified in sections 23A and 23B of the Federal Reserve Act and (2) clarify the applicability of the limitations and prohibitions specified in the Board's regulations existing prior to the Competitive Equality Banking Act (CEBA). The proposed amendments are intended to further the Congressional intent codified in CEBA by providing parity between a bank and a thrift holding company with respect to the treatment of transactions between the subsidiary depository institution and its affiliates engaged in activities permissible for a bank holding company under the Bank Holding Company Act and the regulations thereunder.

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on(con't)

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21838
NPRM Comment Period End	08/09/88	53 FR 21838
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: the industry have not been quantified.

Agency Contact: Steven J. Gray, Attorney, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington DC 20552, 202 377-7506

RIN: 3068–AA65

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Completed Actions

3734. LOANS TO ONE BORROWER

Legal Authority: 12 USC 1421 to 1429; 12 USC 1464(c); 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.9-3

Legal Deadline: None

Abstract: The Bank Board proposes to amend its regulation pertaining to loans to one borrower in a number of ways, most significantly to reduce the amount of aggregate loans to one borrower that may be made by an institution the accounts of which are insured by the FSLIC. The proposal is intended to reduce risk to insured institutions and the FSLIC without depriving institutions of appropriate operational flexibility. To this end, the Board invites comment on all aspects of the proposal.

The Bank Board is soliciting comment on possible alternatives to the rule as proposed in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

The proposed rule would apply equally to all insured institutions.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 30225
NPRM Publication of Board Action	08/25/86	51 FR 30225
NPRM Comment Period End	10/24/86	51 FR 30225
Withdrawn	04/21/88	53 FR 13133
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: Pursuant to the adopted regulatory review procedures, Board Resolution No. 88-269, (4/21/88), the Bank Board has withdrawn the Loans to One Borrower proposed regulation adopted by the Board on August 15, 1986, 51 FR 30225.

Agency Contact: Daniel G. Lonergan, Deputy Director, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6458

RIN: 3068–AA19

3735. REGULATORY CAPITAL REQUIREMENTS OF INSURED INSTITUTIONS

Legal Authority: 12 USC 1726

CFR Citation: 12 CFR 563.13

Legal Deadline: None

Abstract: The Bank Board is amending its regulation setting the regulatory capital requirements for institutions insured by the Federal Savings and Loan Insurance Corporation by changing the method of computing the annual calculation of industry profits basing it on the median return on all assets of all insured institutions. The rule would apply equally to all insured institutions.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	06/25/87	52 FR 23845
NPRM Comment Period End	08/24/87	52 FR 23845
Final Action	04/06/88	53 FR 11243
Final Action Effective	04/29/88	53 FR 11243

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6445

RIN: 3068–AA22

3736. SETTLEMENT OF INSURANCE

Legal Authority: 12 USC 1724 to 1730g

CFR Citation: 12 CFR 564.2; 12 CFR 564.9

Legal Deadline: None

Abstract: The Bank Board has amended its regulations pertaining to the settlement of insurance by deleting the requirement that each co-owner of a joint account must personally execute a signature card for the account in order for the account to be separately insured. The Bank Board believes the present rule has caused hardship to depositors and added to the recordkeeping burden on institutions without appreciably reducing the risks of fraudulent claims of entitlement to separate joint account insurance coverage. The Bank Board amendments also consolidate provisions of its regulations governing joint accounts, clarify the provisions affecting joint accounts established by intermediaries and revise the appendix and examples illustrating joint account insurance coverage.

There are no alternatives that would be less burdensome than the rule in addressing the concerns described above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	07/10/87	52 FR 26017
NPRM Comment Period End	09/08/87	52 FR 26017
Final Action	03/14/88	53 FR 8169

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6445

RIN: 3068–AA23

3737. BANK SECRECY ACT COMPLIANCE PROCEDURES

Legal Authority: 31 CFR 103; 12 USC 1464; 12 USC 1730; PL 99-570, Sec 1359; 31 USC 5311 to 5322

CFR Citation: 12 CFR 563.17-7

Legal Deadline: NPRM, Statutory, April 27, 1987.
Section 1359 of the Anti-Drug Abuse Act of 1986, Pub.L.No. 99-570, required establishment of a Bank Secrecy Act compliance program by April 27, 1987.

Abstract: The Bank Board is proposing to amend for purposes of clarification, its recently adopted regulation which requires insured institutions to establish and maintain procedures to assure and monitor compliance with the requirements of the Bank Secrecy Act ("BSA"), including the Currency and Foreign Transactions Reporting Act and the implementing regulations of the U.S. Department of the Treasury, 31 CFR Part 103. The proposed rule sets forth in greater detail the elements required to be in a BSA compliance program, in particular, the requirements of BSA compliance testing and continuing education. The proposed rule would apply equally to all insured institutions.

The proposed rule for BSA compliance programs establishes a minimum system for verifying and encouraging compliance with the BSA in accordance with Congressional concern. Alternatively, the Bank Board could have required an in-depth audit of insured institutions' compliance by independent auditors. The Bank Board believes that such an alternative would have been less flexible and more restrictive for insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/08/87	52 FR 17406
NPRM Comment Period End	07/07/87	52 FR 17406
Withdrawn	04/21/88	53 FR 13133
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: 9. Abstract Cont:

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Pursuant to the adopted regulatory review procedures Board Resolution No. 88-269,(4/21/88) the Bank Board has withdrawn the Bank Secrecy Act Compliance Procedures adopted by the Board on April 30, 1987. 52 FR 17406 (May 8, 1987).

Agency Contact: C. Dawn Causey, Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1735 I Street, NW, Washington, DC 20006, 202 653-2624

RIN: 3068–AA24

3738. ADJUSTABLE-RATE MORTGAGE HOME LOAN DISCLOSURES

Legal Authority: 12 USC 1724 to 1730; 12 USC 3801 et seq; 12 CFR 226.17; 12 CFR 226.19

CFR Citation: 12 CFR 545.33; 12 CFR 563.9-9

Legal Deadline: None

Abstract: The Bank Board final amendments to its regulations regarding the disclosures and notices that lenders must give to borrowers concerning adjustable-rate mortgage ("ARM") home loans. The new rule changes the timing for the ARM disclosures and simplifies disclosures concerning the ARM program(s) being offered to the consumer but continues to use the ARM's handbook. The revision clarifies the Bank Board's regulation and implements the uniform disclosure of ARMs recommended by the Federal Financial Institutions Examination Council on August 12, 1986. The changes are being made in conjunction with the Board of Governors of the Federal Reserve System. A provision referencing the maximum interest rate cap requirement of the Competitive Equality Banking Act of 1987 is also included.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	02/05/87	52 FR 3665
NPRM Comment Period End	03/09/87	52 FR 3665
Final Action Optional compliance until October 1,1988.	05/23/88	53 FR 18262
Final Action Effective	05/23/88	53 FR 18262

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

FHLBB

Completed Actions

Agency Contact: Stephen D. Johnson, Attorney/Advisor, Division of Consumer and Civil Rights, Office of Community Investment, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552. **202 653-2679**

RIN: 3068–AA26

3739. ISSUANCE AND FORM OF STOCK IN FEDERAL HOME LOAN BANKS

Legal Authority: 12 USC 1426

CFR Citation: 12 CFR 522.10

Legal Deadline: None

Abstract: The Bank Board is adopting final amendments to its regulations to authorize the capital stock of the Federal Home Loan Bank ("Bank") to be represented in uncertificated, i.e. book entry form. Currently, the Regulations provide for Bank Stock to be issued in certificated form only, but on the basis of an earlier legal opinion by the Board's Office of General Counsel, some Banks are now issuing uncertificated stock. The amendment would clarify a Bank's authority both to issue uncertificated stock or convert certificated stock to book entry form. No Bank that converts to a book entry system will be required to issue stock in certificated form.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29030
NPRM Comment Period End	10/05/87	52 FR 29030
Final Action	05/23/88	53 FR 18261
Final Action Effective	07/22/88	53 FR 18261

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Richard L. Little, Associate General Counsel, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N. W. 20552, **202 377-6447**

RIN: 3068–AA43

3740. AVAILABILITY AND CHARACTER OF RECORDS

Legal Authority: 5 USC 552; 12 USC 552; 12 USC 1421 et seq; 12 USC 1725; PL 99-570

CFR Citation: 12 CFR 505.4

Legal Deadline: None

Abstract:

The Bank Board proposed to amend its public access to information regulations on fees and fee waivers in order to comply with the Freedom of Information Reform Act of 1986 ("FOI Reform Act"). The Bank Board's regulations are issued in conformance with Office of Management and Budget ("OMB") guidelines and schedule of fees. Pursuant to the FOI Reform Act and the final OMB guidelines, the Bank Board proposes to set fees to recover the full direct costs incurred by the Bank Board in searching for, reviewing, and duplicating documents in response to FOIA requests. New fees are established for manual search, computer search, and review of records. In compliance with the FOI Reform Act, requesters are classified into four categories for the purposes of making fee assessments; commercial use requesters; educational and noncommercial scientific institution requesters; representatives of the news media; and all other requesters.

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45346
NPRM Comment Period End	12/28/87	52 FR 45346
Final Action	05/05/88	53 FR 16054
Final Action Effective	05/05/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information:

ABSTRACT CONT:

on the industry have not been quantified.

Agency Contact: William Van Lenten, Assistant General Counsel, Office of General, Counsel, Federal Home Loan Bank Board, 1700 G Street, N. W., Washington, D. C. 20552, **202 377-6773**

RIN: 3068–AA51

3741. ● TRANSACTIONS WITH AFFILIATES OF SUBSIDIARY INSURED INSTITUTIONS

Legal Authority: PL 100-86; 12 USC 1730a; 12 USC 1843(c); 12 USC 371c

CFR Citation: 12 CFR 563.41; 12 CFR 563.43

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations pertaining to transactions between institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and affiliates of those insured institutions. The proposed amendments provide, in effect, that the conflict of interest provisions of the Board's regulations will not be applicable to transactions between holding company subsidiary insured institutions and their affiliates (other than natural persons that are controlling shareholders). The proposed rule would apply to all insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns above.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15230
NPRM Comment Period End	06/13/88	53 FR 15230
Final Action	08/19/88	53 FR 31699
Final Action Effective	09/19/88	53 FR 31699

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Steven J. Gray, Attorney, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, D.C. 20006, **202 377-7506**

RIN: 3068–AA59

3742. ● OVER-THE-COUNTER FINANCIAL OPTIONS TRANSACTIONS; ACCOUNTING FOR FINANCIAL OPTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1421; 12 USC 1425; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724; 12 USC 1730a

CFR Citation: 12 CFR 563.17

Legal Deadline: None

Abstract: The Bank Board is amending its regulations pertaining to financial option transactions by institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation. Specifically, the Board is amending its regulations to allow insured institutions to engage in over-the-counter ("OTC") financial option transactions with certain types of counterparties in addition to primary dealers in government securities. The amendments are intended to allow insured institutions to use more effectively the authority previously granted to them to engage in OTC option transactions. These amendments will allow smaller institutions greater access to the OTC options market than permitted under the present laws.

There are no alternatives that would be less burdensome than the amendments in addressing the concerns expressed above.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	50 FR 53336
NPRM Comment Period End	03/03/86	50 FR 53336
Final Action	07/22/88	53 FR 27667
Final Action Effective	08/22/88	53 FR 27667

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Robert J. Pomeranz, Senior Policy Analyst, Office of Policy and Economic Research, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, D.C. 20552, **202 377-6760**

RIN: 3068–AA63

3743. ● CONSERVATORS AND RECEIVERS; PRIORITY OF CLAIMS

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 1729; PL 90-389; PL 97-320; 12 USC 1725

CFR Citation: 12 CFR 569c.11

Legal Deadline: None

Abstract: The Bank Board is promulgating as a final rule certain portions of the Proposed Receivership and Conservatorship Regulations that were published in the Federal Register of November 27, 1985. This final rule adopts 569c.11 of the Proposed Receivership Regulations (with certain technical modifications to accord with the administration of recent Federal Savings and Loan Insurance Corporation ("FSLIC") receiverships), thereby establishing a priority structure for unsecured claims applicable to all FSLIC receiverships under a new Part 569c of Title 12 of the Code of Federal Regulations. This priority of claims structure replaces the provisions for priorities of unsecured claims in 12 CFR 549.5-1(b) and 569a.7.

There are no alternatives that would be less burdensome than the regulation in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	11/27/85	50 FR 48970
Final Action	07/05/88	53 FR 25129
Final Action Effective	08/04/88	53 FR 25129

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, FSLIC, Office of General Counsel, Federal Home Loan Bank Board, **202 377-6428**

RIN: 3068–AA68

3744. ● CONSERVATORS AND RECEIVERS; PRIORITY OF CLAIMS; DEPOSITOR PRIORITY

Significance: Agency Priority

Legal Authority: 12 USC 1464(d); 12 USC 1729(c); PL 90-389; 12 USC 1729(b)

CFR Citation: 12 CFR 569c.11

Legal Deadline: None

Abstract: The Bank Board is promulgating as a final rule a revision to its receivership regulations at 12 CFR 569a.11(a)(6) to establish a priority for withdrawable deposits and accounts, including those of the Federal Savings and Loan Insurance Corporation ("FSLIC") as subrogee or transferee, over unsecured claims of general creditors in receiverships of federally chartered associations or savings banks in states that provide such a priority for depositors in State-chartered savings and loan associations.

In a final rule published in the Federal Register of July 5, 1988, the Board promulgated certain portions of the Proposed Receivership and Conservatorship Regulations that were published in the Federal Register of November 27, 1985. The final rule established a priority structure for unsecured claims applicable to all FSLIC receiverships under new Part 569c of Title 12 of the Code of Federal Regulations. Section 569c.11(a)(6) of that rule recognized State law priorities with respect to depositors for State-chartered institutions, including a provision in that section for depositor priority over claims of unsecured general creditors for FSLIC-insured institutions chartered by (con't)

Timetable:

Action	Date	FR Cite
NPRM	07/05/88	53 FR 30665
NPRM Comment Period End	08/15/88	53 FR 30665
Final Action	08/15/88	53 FR 30665
Final Action Effective	08/15/88	53 FR 30665

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: those States with depositor preference legislation. This rule amends section 569.11 to recognize a depositor priority for deposits registered at offices of federally chartered institutions located in States with depositor preference legislation.

There are no alternatives that would be less burdensome than the regulation in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

FHLBB **Completed Actions**

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, DC 20552, 202 377-6428

RIN: 3068–AA69

[FR Doc. 88-20684 Filed 10-21-88; 8:45 am]

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Monday
October 24, 1988

Part LI

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of EO 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration during the period from October 1, 1988 to September 30, 1989 actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section.

The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3745	Costs of Proceedings	3072-AA45
3746	Automated Tariff Filing	3072-AA61
3747	Index of Documents for Agreements	3072-AA64
3748	User Fees to Recover Agency Costs	3072-AA70
3749	Independent Action - Miscellaneous Provisions	3072-AA83
3750	Rates Quoted Subject to Booking	3072-AA86
3751	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
3752	Service Contract Provisions; Most Favored Shippers and Liquidated Damages Clauses	3072-AA95
3753	Foreign-to-Foreign Agreements; Exemption	3072-AB03
3754	Cancellation of Tariffs for Failure to Either File Anti-Rebate Certifications or Publish Appropriate Notices in Tariffs	3072-AB09

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3755	Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes - Docket No. 88-19	3072-AB04

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3756	Service Contract Regulation Amendment to Permit Correction of Clerical or Administrative Errors in Essential Terms--Docket No. 88-16	3072-AB08
3757	Interpretive Rule that Carriers or Conferences May Not Require Production of Justice Department Business Review Letter as Part of Service Contract Negotiation Process with Shippers Association	3072-AB10

FMC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3758	Public Information - Freedom of Information Act	3072-AA12
3759	Information Required for Section 18 Study	3072-AA50
3760	Independent Action - Miscellaneous Provisions	3072-AA53
3761	Information Form for Agreements: Miscellaneous Amendments	3072-AA55
3762	Common and Contract Carriage - Miscellaneous Provision	3072-AA63
3763	Tariff Publication of Free Time and Detention Charges Applicable to Carrier Equipment Interchanged With Shippers or Their Agents (Docket 85-19)	3072-AA73
3764	Financial Responsibility of Passenger Vessel Operators for Non-Performance	3072-AA78
3765	Practices of Common Carriers Regarding Payment of Inland Divisions Petition for Rulemaking	3072-AA99
3766	Service Contracts - Most Favored Shipper and Liquidated Damages Provisions - Petition for Rulemaking	3072-AB00
3767	Section 16 Exemption of Agreement Between or Among Parent or Its Subsidiaries	3072-AB06
3768	Truck Detention Charges at West Coast Ports	3072-AB07
3769	Deletion of Requirements for Joinder of Conferences in Special Docket Applications and Other Changes to the Rules of Practice and Procedure -- Docket No. 88-10	3072-AB11
3770	Designation of Officer to Receive Petitions for Review of Commission Orders -- Docket No. 88-12	3072-AB12

FEDERAL MARITIME COMMISSION (FMC)

Prerule Stage

3745. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Other, Statutory, September 20, 1989.

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
End Review	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA45

3746. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
Notice of Inquiry on System Functionality	12/22/87	52 FR 48504
Further Notice	06/13/88	53 FR 22048
End Review	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA61

3747. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

FMC — Prerule Stage

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA64

3748. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA70

3749. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA83

3750. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA86

3751. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA93

3752. SERVICE CONTRACT PROVISIONS; MOST FAVORED SHIPPERS AND LIQUIDATED DAMAGES CLAUSES

Legal Authority: 5 USC 553; 46 USC app 1707(c)

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: The Commission is reviewing the service contract regulations to determine the legality of permitting clauses involving liquidated damages or most favored shippers. Docket No. 88-7

Timetable:

Action	Date	FR Cite
Petition for rulemaking	01/22/87	52 FR 2443
Begin Review	01/22/87	52 FR 2443
Extend time for comments	02/11/87	52 FR 4384
NPRM	03/17/88	53 FR 8775
NPRM Comment Period End	05/02/88	53 FR 8775
End Review	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA95

3753. FOREIGN-TO-FOREIGN AGREEMENTS; EXEMPTION

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: The action would exempt certain foreign-to-foreign agreements on contiguous trades from notice, waiting period, and information requirements of the Shipping Act of 1984. Docket No. 87-24.

FMC — Prerule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46501
NPRM Comment Period End	02/08/88	52 FR 46501
Final Action	09/00/88	
End Review	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB03

3754. ● CANCELLATION OF TARIFFS FOR FAILURE TO EITHER FILE ANTI-REBATE CERTIFICATIONS OR PUBLISH APPROPRIATE NOTICES IN TARIFFS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707, 1709, 1714, 1716

CFR Citation: 46 CFR 580; 46 CFR 582

Legal Deadline: None

Abstract: Rule would minimize noncompliance with the requirements to file Anti-Rebate Certifications (46 CFR 582) and to publish anti-rebate provisions in tariffs (46 CFR 580.5(c)(2)).

Timetable:

Action	Date	FR Cite
Begin Review	12/27/87	
End Review	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB09

FEDERAL MARITIME COMMISSION (FMC) — Proposed Rule Stage

3755. PRACTICES OF OCEAN COMMON CARRIERS REGARDING EFFECTIVE DATE OF RATE CHANGES - DOCKET NO. 88-19

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Requested rule would state that tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent prior to the effective date of the tariff provision.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	12/30/87	52 FR 49205
End Review	06/01/88	
NPRM	08/30/88	53 FR 33153
NPRM Comment Period End	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB04

FEDERAL MARITIME COMMISSION (FMC) — Final Rule Stage

3756. ● SERVICE CONTRACT REGULATION AMENDMENT TO PERMIT CORRECTION OF CLERICAL OR ADMINISTRATIVE ERRORS IN ESSENTIAL TERMS--DOCKET NO. 88-16

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702, 1706, 1707, 1709, 1712, 1714, 1715, 1716, 1718

CFR Citation: 46 CFR 581.7(a)

Legal Deadline: None

Abstract: Rule would amend Service Contract regulation to permit correction of clerical or administrative errors in essential terms.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23776
NPRM Comment Period End	08/24/88	53 FR 26091
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB08

3757. ● INTERPRETIVE RULE THAT CARRIERS OR CONFERENCES MAY NOT REQUIRE PRODUCTION OF JUSTICE DEPARTMENT BUSINESS REVIEW LETTER AS PART OF SERVICE CONTRACT NEGOTIATION PROCESS WITH SHIPPERS ASSOCIATION

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1706, 1707, 1709 and 1716

CFR Citation: 46 CFR 571, (New)

Legal Deadline: None

Abstract: Docket No. 88-17. Rule is intended to help eliminate unnecessary impediments to the operation of shippers associations and the negotiation of service contracts.

FMC — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27178
NPRM Comment Period End	08/18/88	53 FR 27178
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB10

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

3758. PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(b)(4); 46 USC app 841(a)

CFR Citation: 46 CFR 503

Legal Deadline: None

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
Withdrawn Rule Unnecessary	06/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA12

3759. INFORMATION REQUIRED FOR SECTION 18 STUDY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR (New)

Legal Deadline: Other, Statutory, September 20, 1989.
Legal deadline applies to information to be compiled, not necessarily by a rulemaking.

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Withdrawn Rule Unnecessary	06/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA50

3760. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate reporting and to clarify other situations with regard to this statutory right.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Withdrawn Rule Unnecessary	06/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA53

3761. INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Legal Deadline: None

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Withdrawn Rule Unnecessary	06/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA55

3762. COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702; 46 USC app 1716

CFR Citation: 46 CFR 510; 46 CFR 515; 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553; 46 CFR 560; 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Withdrawn Rule Unnecessary	08/15/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA63

3763. TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES APPLICABLE TO CARRIER EQUIPMENT INTERCHANGED WITH SHIPPERS OR THEIR AGENTS (DOCKET 85-19)

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 550.5; 46 CFR 580.5; 46 CFR 580.7

Legal Deadline: None

Abstract: Docket 85-19 - Clarification of requirement that terms and conditions, including free time and detention, governing use of carrier-provided equipment by shippers or their agents be published in tariffs and service contracts. (Formal Rulemaking)

Timetable:

Action	Date	FR Cite
NPRM	08/08/85	50 FR 32097
NPRM Comment Period End	09/23/85	50 FR 32097
Final Action Effective Date Stayed	02/26/88	53 FR 5770

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA73

3764. FINANCIAL RESPONSIBILITY OF PASSENGER VESSEL OPERATORS FOR NON-PERFORMANCE

Legal Authority: 5 USC 553; 46 USC app 817e; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None

Abstract: Review would attempt to develop a formula for the amount of bond required to ensure financial responsibility of passenger vessel operators for non-performance.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
Withdrawn - Rule Unnecessary	08/22/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA78

3765. PRACTICES OF COMMON CARRIERS REGARDING PAYMENT OF INLAND DIVISIONS PETITION FOR RULEMAKING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR Chapter IV

Legal Deadline: None

Abstract: This petition for rulemaking seeks a requirement that ocean common carriers timely pay over inland divisions to surface carriers participating in through movements.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition for Rulemaking	06/25/87	52 FR 23890
Final Action - Petition Denied	05/05/88	
Final Action Effective	05/05/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA99

3766. SERVICE CONTRACTS - MOST FAVORED SHIPPER AND LIQUIDATED DAMAGES PROVISIONS - PETITION FOR RULEMAKING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1716

CFR Citation: 46 CFR 581

Legal Deadline: None

Abstract: This petition for rulemaking seeks a regulation prohibiting most favored shipper clauses and de minimis liquidated damage clauses in service contracts.

Timetable:

Action	Date	FR Cite
Notice of Filing of Petition for Rulemaking	01/22/87	52 FR 2443
Extend Time for Comments to 02/27/87	02/11/87	52 FR 4384
Withdrawn Identical To RIN 3072-AA95	08/17/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB00

3767. SECTION 16 EXEMPTION OF AGREEMENT BETWEEN OR AMONG PARENT OR ITS SUBSIDIARIES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1715

CFR Citation: 46 CFR 572.301

Legal Deadline: None

Abstract: Requested action would exempt agreements by, between, or among ocean common carriers or marine terminal operators and their subsidiaries. Docket No. 88-8

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	12/27/87	52 FR 48879

Action	Date	FR Cite
Enlargement of Scope	01/28/88	53 FR 2537
Final Action	04/05/88	53 FR 11072
Final Action Effective	04/05/88	53 FR 11072
End Review	06/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072–AB06

3768. TRUCK DETENTION CHARGES AT WEST COAST PORTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 841a; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 530

Legal Deadline: None

Abstract: Requested action would set truck detention charges at the ports of Los Angeles, Long Beach, San Francisco, Oakland and San Diego, California.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	11/30/87	52 FR 45499
Enlargement of time for comments to February 22, 1988	12/29/87	52 FR 49086
Further Enlargement to March 7, 1988	02/19/88	53 FR 5041
Second Petition for Rulemaking	03/18/88	53 FR 8976
Final Action Petitions Denied	07/18/88	
Final Action Effective	07/18/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L St., NW, Washington, DC 20573, **202 523-5725**

RIN: 3072–AB07

3769. ● DELETION OF REQUIREMENTS FOR JOINDER OF CONFERENCES IN SPECIAL DOCKET APPLICATIONS AND OTHER CHANGES TO THE RULES OF PRACTICE AND PROCEDURE -- DOCKET NO. 88-10

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716(a)

CFR Citation: 46 CFR 502.92; 46 CFR 502 Ex No. 1 to Subpart K

Legal Deadline: None

Abstract: The action also clarifies language regarding designation of the appropriate tariff for notice purposes.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12440
NPRM Comment Period End	05/16/88	53 FR 12440
Final Action	07/25/88	53 FR 27859
Final Action Effective	08/24/88	53 FR 27859

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5725**

RIN: 3072–AB11

3770. ● DESIGNATION OF OFFICER TO RECEIVE PETITIONS FOR REVIEW OF COMMISSION ORDERS -- DOCKET NO. 88-12

Significance: Agency Priority

Legal Authority: 5 USC 553; 28 USC 2112(a)(2)

CFR Citation: 46 CFR 502.2

Legal Deadline: Final, Statutory, July 6, 1988.

Abstract: The "race to the courthouse" amendment to 28 USC 2112(a)(2) requires each agency to designate the Office and the officer who must receive petitions for review. This rule designates the Commission's Office of General Counsel and General Counsel, respectively.

Timetable:

Action	Date	FR Cite
Final Action	04/22/88	53 FR 13270
Final Action Effective	04/22/88	53 FR 13270

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5740**

RIN: 3072–AB12

[FR Doc. 88-20685 Filed 10-21-88; 8:45 am]

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Monday
October 24, 1988

Part LII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Notice of Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1988 through April 1, 1989. The next Semiannual Agenda will be published in April 1989.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1988 Agenda as part of the October 1988 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3771	Regulation: E - Electronic Fund Transfers	7100-AA77
3772	Regulation: K - International Banking Operations	7100-AA67
3773	Regulation: K - International Banking Operations	7100-AA92
3774	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
3775	Regulation: T - Credit by Brokers and Dealers	7100-AA72
3776	Regulation: T - Credit by Brokers and Dealers	7100-AA93
3777	Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
3778	Proposals for Long-Term Improvement to the Check Collection System (Docket Number: R-0622)	7100-AA94
3779	Private Sector Presentment (Docket Number: R-0631)	7100-AA96

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3780	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
3781	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System (Docket Number: R-0636)	7100-AA86
3782	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3783	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA56
3784	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3785	Regulation: Y - Bank Holding Companies and Change in Bank Control and Regulation H - Membership of State Banking Institutions (Docket Number: R-0616)	7100-AA88
3786	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0614)	7100-AA89
3787	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0637)	7100-AA87
3788	Regulation: Z - Truth in Lending (Docket Number: R-0625)	7100-AA91
3789	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0639)	7100-AA95
3790	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Number: R-0592)	7100-AA76

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3791	Regulation: C - Home Mortgage Disclosure (Docket Number: R-0635)	7100-AA85
3792	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System	7100-AA68
3793	Regulation: T - Credit by Brokers and Dealers (Docket Number: R-0633)	7100-AA80
3794	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0628)	7100-AA66
3795	Regulation: CC - Availability of Funds and Collection of Checks and Regulation J - Collection of Checks and Other Items and Transfers of Funds (Docket Number: R-0620)	7100-AA90
3796	Rules Regarding Availability of Information (Docket Number: R-0601)	7100-AA73

FEDERAL RESERVE SYSTEM (FRS) — Proposed Rule Stage

3771. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: During the next six months, the Board will conduct a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological developments. The Board will also consider whether to make any legislative recommendations for statutory changes.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation E during the next six months	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA77

3772. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 601 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The Board will consider an amendment to its regulation governing the establishment of foreign operating subsidiaries by member banks. The amendment would eliminate the requirement in section 211.3(b)(9) of Regulation K that a member bank's operating subsidiary be established only where required by local law or regulation. The revision is intended to promote the efficiency of member banks' foreign operations. Because the revision would remove a restriction, it is not anticipated that comment will be requested.

The proposal would not have a significant economic impact on a substantial number of small businesses because it affects only U.S. banks operating abroad.

Timetable:

Action	Date	FR Cite
Final Action by	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA67

3773. ● REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 1843 (c)(13); 12 USC 601 to 604a; 12 USC 611 to 631

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The Board will consider whether to publish for public comment a proposed amendment to Regulation K to permit U.S. banking organizations to engage in a broader range of activities abroad. Specifically, the Board will consider whether U.S. banking organizations should be permitted to underwrite, distribute, and deal in equity securities outside the United States in excess of the current restriction in Regulation K, which prohibits a subsidiary of a U.S. banking organization from making an underwriting commitment for shares of an issuer in excess of: (i) $2 million, or (ii) 20 percent of the capital and surplus of the issuer's voting shares, unless covered by binding commitments from subunderwriters or other purchasers.

In addition, the Board will consider whether the purchases of shares of companies held in trading accounts should continue to be subject to the investment procedures set out in Regulation K at 12 CFR 211.5(c).

It is not expected that the proposal would have a significant economic impact on a substantial number of

small businesses, because it applies to U.S. banking organizations involved (cont)

Timetable:

Action	Date	FR Cite
Board may consider an amendment to Regulation K	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in international securities activities.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA92

3774. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Legal Deadline: None

Abstract: During the next six months, the Board will conduct a zero-based review of Regulation P, which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve Banks and for State member banks. The review will consider whether any provisions of the regulation are outdated and whether any substantive changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. Public comment will be requested following the zero-based review. It is not anticipated that the revised regulation will have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation P	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, 202 452-3742

RIN: 7100–AA69

3775. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: During the next four months the Board may consider proposing amendments to Regulation T to accommodate settlement and clearance of foreign securities in accounts covered by Regulation T. A request has been made that amendments be proposed because of the growing internationalization of the securities markets. It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA72

3776. ● REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: Several national securities exchanges have proposed trading new stock-index-related products, often called "index participations." Because these products may not fit the existing categories of securities in Regulation T, it is expected that the Board will address the marginability of these products at broker-dealers.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may address marginability of new exchange-traded products under Regulation T	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA93

3777. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

FRS — Proposed Rule Stage

The Board will review this provision of the regulation in connection with the Board's rulemaking regarding real estate investment activities (see Docket Number R-0537 and R-0616).

A determination to reverse the rule could have an (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Further action indefinite	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: adverse impact on many small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action. ●PIn light of pending legislative proposals in this area, the Board does not intend to take action at the present time.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Legal Division, Federal Reserve System, 202 452-3430

RIN: 7100–AA41

3778. ● PROPOSALS FOR LONG-TERM IMPROVEMENT TO THE CHECK COLLECTION SYSTEM (DOCKET NUMBER: R-0622)

Legal Authority: 12 USC 4001 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In December 1987, the Board published for comment several proposals that have the potential to improve the check collection system (52 FR 47112, December 11, 1987). They are, however, long-term proposals that are not likely to be implemented in the immediate future. They include bar-code indorsements, digitized image processing of checks, electronic clearing zones, and an electronic clearing house.

If these were to be introduced, they would likely have a significant economic impact on a substantial number of small banks and small entities including State and local governments that use their services.

The Board will review the public comments and take further action within the next twelve months.

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	12/11/87	52 FR 47112
Board may take further action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Steven O. App, Manager, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3760

RIN: 7100–AA94

3779. ● PRIVATE SECTOR PRESENTMENT (DOCKET NUMBER: R-0631)

Legal Authority: 12 USC 4008(c)

CFR Citation: None

Legal Deadline: None

Abstract: In April 1988, the Board requested comment on whether it should require paying banks to pay for checks presented by private sector collecting banks before 2:00 p.m. in same-day funds and without imposing presentment fees (53 FR 11911, April 11, 1988). The purpose of such a regulation would be to speed the forward collection of checks by requiring paying banks to accept checks without charging a fee later in the day, thus increasing the number of checks that can be collected that day. It would give private sector collecting banks the same rights vis-a-vis paying banks as the Federal Reserve Banks now have.

The Board has not yet made a specific proposal to amend its regulation in this regard. Rather, it is merely requesting comment on the idea of same-day payment in private sector presentments. If such a regulation were to be adopted, small entities that might be affected include small banks and State and local governments.

The Board will review the public comments and determine whether to propose specific regulations.

Timetable:

Action	Date	FR Cite
Board requests comment	04/11/88	53 FR 11911
Board extends comment period to December 1, 1988	07/21/88	53 FR 27565
Board will review further	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-2789

RIN: 7100–AA96

FEDERAL RESERVE SYSTEM (FRS) — Final Rule Stage

3780. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Legal Deadline: None

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent

the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action within the next two months.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100–AA62

3781. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (DOCKET NUMBER: R-0636)

Legal Authority: 12 USC 248; 12 USC 321 to 338; 12 USC 486; 12 USC 1814; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 208.17

Legal Deadline: None

Abstract: In June 1988, the Board issued for comment an amendment to Regulation H designed to facilitate the fullest possible dissemination of publicly available information regarding the condition of State member banks (53 FR 19308, June 3, 1988). The amendment would require such banks to make available upon request their year-end reports of condition or other suitable documents describing their condition.

The proposal is not likely to have a significant economic impact on a substantial number of small banks since it would impose no new reporting requirements, but simply require banks to make existing documents available to members of the public.

The Board will review the public comments and take further action within the next two months.

Timetable:

Action	Date	FR Cite
Proposal regulation issued for public comment	06/03/88	53 FR 19308
Further Board action by	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen L. Siciliano, Special Assistant to the General Counsel, Federal Reserve System, Legal Division, **202 452-3920**

RIN: 7100–AA86

3782. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of Section 23A of the Federal Reserve Act (12 USC 371c) because it is not owned by a U.S. insured bank (50 FR 35238, August 30, 1985). In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to Federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Further Board action by	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Board will review the comments and take further action within the next two months.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100–AA58

3783. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Legal Deadline: None

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next four months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, 202 452-3818

RIN: 7100–AA56

3784. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope, and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be prohibited from conducting these activities; and whether the Board should establish special capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action indefinite	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks. (See Docket Number R-0616, for additional information on proposed real estate investment limitations.)

In light of pending legislative proposals in this area, the Board does not intend to take action at the present time.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100–AA52

3785. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL AND REGULATION H - MEMBERSHIP OF STATE BANKING INSTITUTIONS (DOCKET NUMBER: R-0616)

Legal Authority: 12 USC 1843 (c)(8); 12 USC 371c; 12 USC 3901

CFR Citation: 12 CFR 225.13(b)(1); 12 CFR 225, Appendix; 12 CFR 208.14

Legal Deadline: None

Abstract: In November 1987, the Board requested comment on whether, in evaluating proposals submitted under section 3 of the Bank Holding Company Act, the Board should consider the impact of real estate activities of the bank to be acquired by the bank holding company on the financial condition of the bank and bank holding company, and, where appropriate, should prohibit banks and savings banks that are acquired by bank holding companies from directly engaging in real estate investment and development activities (52 FR 42301, November 4, 1987).

The Board also requested comment on whether member banks that are not in a bank holding company should be made subject to the interaffiliate lending restrictions of section 23A of the Federal Reserve Act in their dealings with real estate investment and development subsidiaries of the bank.

Finally, the Board requested comment on whether the Board should impose special capital requirements on real estate subsidiaries of banks in a bank holding company, under the Board's authority in the International Lending Supervision Act. These three proposals supplement the Board's earlier (CONT)

Timetable:

Action	Date	FR Cite
Board requested public comment	11/04/87	52 FR 42301
Further Board action indefinite	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: request for comment in December 1986 regarding whether the Board should permit bank holding companies to engage in real estate investment activities.

This proposal is not expected to have a significant economic impact on small companies because the Board believes that very few small banks are currently engaged in real estate investment and development activities, and bank holding companies are not generally permitted to engage in these activities.

In light of pending legislative proposals in this area, the Board does not intend to take action at the present time.

Agency Contact: Scott G. Alvarez, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA88

3786. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0614)

Legal Authority: 12 USC 1843 (c)(8)

CFR Citation: 12 CFR 225.25 (b)(9)

Legal Deadline: None

Abstract: In September 1987, the Board requested public comment on whether the Board should authorize bank holding companies to acquire thrift institutions as a general matter under section 4(c)(8) of the Bank Holding Company Act (52 FR 36041, September 25, 1987). The Board currently permits bank holding companies to acquire thrift institutions only if the thrift is failing or has failed, and the acquisiton is likely to result in revitalization of the thrift.

The Board has requested comment on whether changes in the economic and regulatory environment, in particular, the expansion of the powers of thrifts and the growth in state initiatives authorizing interstate banking, justify revisions of the Board's policy and the authorization of thrift acquisitions by bank holding companies. The Board also requested comment on what, if any, conditions the Board should impose on bank holding companies seeking to acquire thrifts.

The Board's proposal, if adopted, is not expected to impose a substantial economic burden on small bank holding companies because this action, if taken, would permit all bank (CONT)

Timetable:

Action	Date	FR Cite
Board requested public comment	09/25/87	52 FR 36041
Further Board action indefinite	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: holding companies to acquire thrift institutions, and would not impose different requirements on companies based on their size.

In light of pending legislative proposals in this area, the Board does not intend to take action at the present time.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3288**

RIN: 7100–AA89

3787. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0637)

Legal Authority: 12 USC 1843

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In June 1988, the Board proposed for comment amendments to Regulation Y to implement the limitations on grandfathered nonbank banks and industrial banks set forth in the Competitive Equality Banking Act of 1987 (CEBA) (53 FR 21462, June 1, 1988). The limitations in CEBA on nonbank banks include restrictions on new activities, joint-marketing with affiliates, annual growth, and overdrafts. Only the overdraft restriction applies to industrial banks.

The overdraft restriction requires nonbank banks and industrial banks to keep records of their affiliates' transactions in order to measure overdrafts. Because the overdraft restriction is required by CEBA, small entities cannot be exempted from this recordkeeping requirement.

An informal hearing on the public comments was held on July 29, 1988. Further Board action is expected within the next six months.

Timetable:

Action	Date	FR Cite
Board requested public comment	06/01/88	53 FR 21462
Further Board action by	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Elaine Boutilier, Senior Attorney, Federal Reserve System, Legal Division, **202 452-2418**

RIN: 7100–AA87

3788. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER: R-0625)

Legal Authority: 15 USC 1604, as amended, Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: None

Abstract: In December 1987, the Board published a proposal to amend Regulation Z to require additional disclosures for home equity lines of credit (52 FR 48702, December 24, 1987). The disclosures would apply to home equity transactions secured by a consumer's principal dwelling and would be provided much earlier in the credit-granting process. Most of the public comments supported additional disclosure requirements but raised substantive questions about several aspects of the proposal.

In response to the comments, a revised draft was developed and circulated to those who commented on the December proposal. The revised draft is similar to the December proposal in requiring creditors to give more information about the terms and conditions of a home equity plan. In the case of variable rate plans, more information about the variable rate feature as well as an historical table showing the effects of index changes on interest rates over a fifteen-year period also would be provided.

Creditors also would have to give consumers a brochure that describes home equity loans.

The revised draft, however, differs from the December (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment	12/24/87	52 FR 48702
Further Board action indefinite	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: proposal concerning the timing, content, and format of the disclosures that must be provided. The changes respond to both technical and substantive questions raised by the commenters.

If the Board adopts the revised proposal, small institutions engaged in home equity lending could incur additional expenses, including costs to revise and reprint disclosure forms and to acquire and distribute the home equity brochures.

Before adopting any final amendments to its rule, the Board would consider appropriate steps to minimize the burdens and costs of compliance. Although the revised proposal is ready for final action, the Board is delaying action because of legislation pending in Congress that would impose additional disclosure requirements and substantive restrictions on home equity loans.

FRS — Final Rule Stage

Agency Contact: Sharon Bowman, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100–AA91

3789. ● REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0639)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229.36

Legal Deadline: None

Abstract: In June 1988, the Board issued for comment a proposed amendment to Regulation CC that would prohibit banks from issuing teller's checks unless a depositary bank located in the same check processing region as the issuing bank would normally receive credit for the check as early as credit for a check drawn on the issuing bank (53 FR 24093, June 27, 1988). The purpose of the amendment is to address the problems connected with certain delayed disbursement practices.

The rule will affect all banks regardless of size. It is not expected that the proposal will impose significant costs on small banks other than the costs of changing paying banks and purchasing new check stock for those banks that do not currently meet the equivalent availability standards.

The Board will review the public comments and take further action within the next three months.

Timetable:

Action	Date	FR Cite
Board requested comment on a proposed amendment to Regulation CC	06/27/88	53 FR 24093
Further Board action by	11/00/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-2789

RIN: 7100–AA95

3790. FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBER: R-0592)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In December 1986, the Board requested comment on several proposals that would refine its policy statement on payment system risk (51 FR 45042, December 16, 1986). The proposals included modifying automated clearing house transactions to reduce risks (R-0591) and various proposals to charge a fee for daylight overdrafts as a way of reducing risks associated with them (R-0592). It is not expected that these actions will have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems. In December 1987, following review of public comments, the Board approved changes in the automated clearing house mechanism to reduce risk (52 FR 49086, December 29, 1987). Action on pricing of daylight overdrafts (Docket No. R-0592) is expected in the Fall of 1988.

Further, the Board will be conducting a zero-based review of its risk reduction policy during 1988.

Timetable:

Action	Date	FR Cite
Board requested comment	12/16/86	51 FR 45042
Board adopted proposal in part	12/29/87	52 FR 49086
Further Board action by	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, 202 452-3368

RIN: 7100–AA76

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

3791. REGULATION: C - HOME MORTGAGE DISCLOSURE (DOCKET NUMBER: R-0635)

Legal Authority: 12 USC 2804, Home Mortgage Disclosure Act of 1975

CFR Citation: 12 CFR 203

Legal Deadline: None

Abstract: In May 1988, the Board proposed for public comment amendments to Regulation C to implement Title V, section 565 of the Housing and Community Development Act of 1987 (53 FR 17061, May 13, 1988). Section 565 amends the Home Mortgage Disclosure Act to bring within its coverage mortgage banking subsidiaries of bank holding companies and savings and loan holding companies, as well as savings and loan service corporations. The regulatory amendments implement this expansion in coverage and clarify and simplify the regulation where necessary.

Following review of public comments, the Board, in August, adopted the amendments with minor revisions (53 FR 31683, August 19, 1988). It is not anticipated that the amendments will have a significant economic impact on a substantial number of small institutions.

Timetable:

Action	Date	FR Cite
Board proposed amendments for public comment	05/13/88	53 FR 17061
Board adopted amendments	08/19/88	53 FR 31683

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: John Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA85

3792. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Legal Authority: 12 USC 321

CFR Citation: 12 CFR 208.8(e)

Legal Deadline: None

Abstract: The last Semi-Annual Agenda included a possible amendment to Regulation H designed to provide a decrease of approximately 20,000 burden hours in paperwork, as requested by the Office of Management and Budget. The regulation would be amended to raise the exemption from various record-keeping requirements in Regulation H for securities transactions, conducted by banks, from 200 to 1,000 transactions per year for customers over the prior three-calendar-year period, exclusive of transactions in U.S. Government and Federal agency obligations. This action would diminish burdens on smaller state member banks; therefore, the amendment would have no adverse effect on small banks. It is not expected that the Board will consider this matter during the next six months.

Timetable:

Action	Date	FR Cite
Action on this aspect of Regulation H is not expected during the next six months	08/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert S. Plotkin, Assistant Director, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2782**

RIN: 7100–AA68

3793. REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER: R-0633)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: In April 1988, the Board requested comment on whether it should amend the definition of "OTC margin bond" in Regulation T to permit marginability of foreign sovereign debt securities. Following review of public comments, the Board approved the amendment on August 10, 1988, in substantially the form proposed (53 FR 30830, August 16, 1988).

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board requested comment	04/20/88	53 FR 14812
Board adopted amendment	08/10/88	53 FR 30830

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100–AA80

3794. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0628)

Legal Authority: 12 USC 3907; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225, Appendix A

Legal Deadline: None

Abstract: In January 1986, the Board proposed to amend its Capital Adequacy Guidelines by adding a risk-based capital measure to supplement existing ratios of primary and total capital to total assets. Based in part on comments received in response to that earlier proposal the Board, in conjunction with the other Federal bank regulatory agencies and the central bank governors of the Group of Ten countries, published a revised capital proposal in December 1987, which would establish minimum risk-based capital standards applicable to commercial banking organizations in twelve major industrial countries.

In January 1988, the Board requested public comment on this revised proposal and, in particular, on how it should be applied to member banks of the Federal Reserve System and to bank holding companies.

The proposed risk-based capital framework consists of a revised definition of capital, a system for assigning assets and off-balance sheet items to risk categories, and a schedule for establishing minimum risk-based capital ratios (7.25 percent by year-end 1990, and 8.0 percent by year-end 1992). The (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	01/31/86	51 FR 3976
Board requests comment on revised proposal	03/24/87	52 FR 9304
Board requested comment on revised proposal	03/15/88	53 FR 8549
Board approved guidelines in principle	08/03/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: proposal also provides for transitional arrangements and a phase-in period to facilitate adoption and implementation of the measure.

This proposal has been designed to take account of those practices which have been engaged in primarily by larger banking organizations. Moreover, the major parts of the proposal have been structured to apply generally only to bank holding companies with assets of $150 million or more. Consequently, the proposal is not likely to have a significant economic impact on smaller banking organizations.

On August 3, 1988, the Board approved in principle revisions to the guidelines, based in part on the comments received on the initial proposal, as well as on additional discussions with the other central bank authorities. In connection with the above determinations, the Board has decided to study further the possible effect of any voting rights offered with a security on the percentage caps assigned to certain classes of securities within the risk-based capital framework.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3288**

RIN: 7100–AA66

FRS

Completed Actions

3795. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS AND REGULATION J - COLLECTION OF CHECKS AND OTHER ITEMS AND TRANSFERS OF FUNDS (DOCKET NUMBER: R-0620)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229; 12 CFR 210

Legal Deadline: Final, Statutory, September 1, 1988.

Abstract: In December 1987, the Board proposed for public comment a new rule, Regulation CC, to implement the Expedited Funds Availability Act (52 FR 47112, December 11, 1987). The proposal set out the requirements that banks and other depository institutions make funds deposited into accounts available according to specified time schedules and that institutions disclose their funds availability policies to their customers. The proposed regulation also establishes rules to speed the return of unpaid checks. The Board also proposed to amend its existing Regulation J, which governs the collection of checks by Federal Reserve Banks, to conform to the new regulation. The proposed Regulation CC and the amendments to Regulation J would apply to all depository institutions, regardless of size, except that small institutions that do not hold transaction accounts would be exempt from the availability, disclosure, and payment of interest requirements.

In a related action (Docket Number R-0621), the Board requested comment on new Federal Reserve Bank services to assist institutions in complying with the new regulations. (CONT)

Timetable:

Action	Date	FR Cite
Board proposed new rule	12/11/87	52 FR 47112
Board adopted new Regulation CC	05/27/88	53 FR 19372
Board adopted the amendments to Regulation J	06/13/88	53 FR 21983

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: In May 1988 the Board adopted the proposed Regulation CC and in June the proposed amendments to Regulation J (53 FR 19372, May 27, 1988, and 53 FR 21983, June 13, 1988) to take effect on September 1, 1988.

In addition, in August 1988, the Board adopted an interim rule in response to a court decision that changed the definition of "paying bank," made conforming amendments to other portions of the regulation, and made changes to the disclosure rules. The Board requested comment on the interim rule (Docket No. R-0643) and expects to adopt a final rule in October 1988.

Agency Contact: Joseph R. Alexander, Senior Attorney, Federal Reserve System, Legal Division, 202 452-2489

RIN: 7100–AA90

3796. RULES REGARDING AVAILABILITY OF INFORMATION (DOCKET NUMBER: R-0601)

Legal Authority: 5 USC 552; 12 USC 248(i); 12 USC 248(e)

CFR Citation: 12 CFR 261

Legal Deadline: None

Abstract: The Board's Rules Regarding Availability of Information are intended in part to fulfill the requirement of section 552 of Title 5 of the United States Code that every Federal agency publish in the Federal Register its procedures as to how the public may obtain information, make submittals or requests, and obtain decisions; information on how the agency's functions are channeled and determined; and descriptions of forms available and the places where they may be obtained.

The revision, issued for public comment in April 1987 and adopted in June 1988, reorganizes the rules into appropriate subparts, and clarifies the procedures for requesting access to documents and information, the processing and disposition of such requests, and the procedures regarding the discretionary release of confidential information (53 FR 20812, June 1, 1988). The revision is not expected to have a significant economic impact on a substantial number of small entities that would be subject to the regulation.

Timetable:

Action	Date	FR Cite
Board requested comment	04/23/87	52 FR 13458
Board issued final rule	06/01/88	53 FR 20812

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen L. Siciliano, Special Assistant to the General Counsel, Federal Reserve System, Legal Division, 202 452-3920

RIN: 7100–AA73

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Monday
October 24, 1988

Part LIII

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of certain future actions. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding.

By direction of the Commission.

Donald S. Clark,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3797	Cooling-Off Period for Door-to-Door Sales	3084-AA18
3798	Mail Order Merchandise	3084-AA19
3799	Informal Dispute Settlement Procedures	3084-AA30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3800	Review of the Funeral Industry Practices Rule	3084-AA05
3801	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3802	Review of the Premerger Notification Rules and Report Form	3084-AA23
3803	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3804	Ophthalmic Practice Rules	3084-AA03
3805	Retail Food Store Advertising and Marketing Practices	3084-AA17
3806	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3807	Proprietary Vocational and Home Study Schools	3084-AA11
3808	Review of Content Disclosure Requirements for Textile, Wool, and Fur Products	3084-AA29
3809	Fair Packaging and Labeling Rules	3084-AA36

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

3797. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, and to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/03/83	48 FR 9032
NPRM	08/10/87	52 FR 29539
End Reg Flex Review	08/12/87	52 FR 29507
Commission Consideration of Staff Recommendations	11/00/88	
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission has completed its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff has explored non-substantive changes in the notices required by the rule. Staff also has studied possible exemptions for sales of automobiles at public auctions and sales of arts and crafts at fairs. The Commission has issued an NPRM soliciting comment on changes in the notice requirement and possible exemptions from the rule. The staff has completed its review of the public comments and has forwarded its recommendations to the Commission, which will consider them in late 1988.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3009

RIN: 3084–AA18

3798. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
Commission Consideration of Staff Recommendations (if appropriate)	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk

of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission has reviewed this rule and determined that it has not had a significant economic impact on a substantial number of small entities. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means. Whether changes to the rule will be proposed will not be determined until the staff's review has been completed.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2973

RIN: 3084–AA19

3799. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. To assess whether any changes are needed, the Commission conducted a regulatory negotiation process in which an advisory committee was charged to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	12/10/87	
Commission Consideration of Petition to Amend Rule	11/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms. The committee met for the last time on June 17, 1987, and failed to reach a consensus on rule revisions. The Commission and its staff will continue to monitor the impact of the current informal dispute settlement procedures rule. On April 11, 1988, the FTC received a petition from the Motor Vehicle Manufacturers Association and the Automobile Importers Association to amend this rule in order to preempt certain state "lemon" laws. The Commission will consider this petition and take appropriate action.

Agency Contact: Gary Laden, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, 202 326-3118

RIN: 3084–AA30

FEDERAL TRADE COMMISSION (FTC) Proposed Rule Stage

3800. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Abstract: The funeral industry practices rule, which became effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking to determine whether the Rule should be amended or terminated. The Commission has issued the Notice of Proposed Rulemaking and scheduled the other stages of that proceeding.

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
ANPRM	12/09/87	52 FR 46706
NPRM	05/31/88	53 FR 19864
Hearings Begin	11/00/88	
Hearings End	01/00/89	
Final Action	11/00/89	
Effective Date		
Prohibitions	01/01/84	
Affirmative Requirements	04/30/84	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Raouf M. Abdullah, Federal Trade Commission, Division of Service Industry Practices, Bureau of

Consumer Protection, Washington, D.C. 20580, **202 326-3024**

RIN: 3084–AA05

3801. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Commission Consideration of Staff Recommendations	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 326-3223**

RIN: 3084–AA08

3802. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Apendix)

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. In November 1988, the Commission may propose to amend these rules to exempt the acquisition of small percentages of an issuer's voting securities and two alternative amendments that would provide other special treatment for acquisitions of small percentages of voting securities. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- De Minimis Exemption	11/00/88	
Final Action -- De Minimis Exemption	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In fiscal year 1989 the Commission expects to take final action on these proposals.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, **202 326-3300**

RIN: 3084–AA23

3803. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-

FTC — Proposed Rule Stage

of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	02/28/89	
Presiding Officer Report	03/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 500- Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, 216 522-4207

RIN: 3084–AA24

FEDERAL TRADE COMMISSION (FTC) — Final Rule Stage

3804. OPHTHALMIC PRACTICE RULES

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: In January, 1985, The Commission Published an NPRM seeking public comment on a proposed trade regulation rule that would have the effect of superseding certain state-imposed restrictions on the forms of practice and other business aspects of the delivery of eye care to consumers. The hearings have been completed and the reports required by the Commission's rules have been submitted. On February 10, 1988, the Commission voted to promulgate a trade regulation rule that would prohibit certain state restrictions on optometrists' commercial practices. The rule would remove four state restrictions, including those that ban optometrists from having offices in shopping centers. The Commission also voted to continue requiring eye doctors to give consumers their eyeglass prescriptions automatically. The recommended rule would also prohibit the following state restrictions: (1) limitations on the number of branch offices that optometrists may own or operate; (2) prohibitions on the practice of optometry in commercial locations, such as shopping malls; (3) prohibitions on employer-employee or other affiliations between optometrists and persons who are not (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Staff Report	11/17/86	51 FR 43217
Presiding Officer Report	11/26/86	51 FR 43217
Oral Presentations to the Commission	01/29/88	
Commission Decision to Issue Amended Rule	02/10/88	
Final Rule Published	11/00/88	
Final Rule Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: ABSTRACT CONT: optometrists; and (4) prohibitions on the use of trade names by optometrists. The Commission directed the staff to prepare final rule language and a statement of basis and purpose as soon as possible for final issuance.

Agency Contact: Renate Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3287

RIN: 3084–AA03

3805. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to

be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
NPRM	10/24/85	50 FR 43224
NPRM Comment Period End	01/24/86	
Commission Decision to Amend the Rule	04/21/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. On April 21, 1988, the Commission decided to modify the rule so that a store could comply by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. The Commission expects to publish a final rule as amended with a statement of basis and purpose before the end of 1988.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084–AA17

3806. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. In 1987, the Commission amended the rule to include central air conditioners and heat pumps and to include two new types of furnace under the rule's coverage. The provisions took effect on June 7, 1988. Since the Commission's rule implements the requirements of EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances but does impose some burdens on distributors and retailers. Some of those entities may be small businesses under section 610 of the Regulatory Flexibility Act. Therefore, the Commission (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	04/08/85	50 FR 13820
End Reg Flex Review	06/13/88	53 FR 22106
NPRM (comprehensive review)	06/13/88	53 FR 22022
Final Action (comprehensive review)	12/00/88	
NPRM (Fluorescent Light Ballasts)	01/00/89	
Final Action (Ballasts)	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: has reviewed the rule to determine whether it has had a significant economic effect on a substantial number of small entities. The Commission has terminated that review and has begun another rulemaking to consider several amendments that would make the rule's energy usage disclosure scheme more efficient for consumers and business. The Commission has estimated that the proposals will reduce the paperwork burden of compliance by 5 percent. Recent amendments to EPCA require the Commission to issue a rule prescribing labeling requirements for fluorescent light ballasts (transformers).

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084–AA26

FEDERAL TRADE COMMISSION (FTC) Completed Actions

3807. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. Late in 1987, the Staff forwarded recommendations as to how the Commission should respond to the Court's decision. Alternatives include terminating the rule or issuing a revised rule. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. After an extensive review of the proceeding, the Commission concluded that the rule should be withdrawn and the proceeding ended due to the age of the record and the fact that the Department of Education had informally proposed

new regulations applicable to all schools participating in the Guaranteed Student Loan Program addressing the same issues. Two members of the Commission also cited as a basis for the decision their belief that the record was inadequate to support the rule. Commissioner Strenio dissented from the decision (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Final Action previously published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Interim Final Rule	05/00/88	
Withdrawn	08/05/88	53 FR 29482

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to terminate the rule with a separate statement.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084–AA11

3808. REVIEW OF CONTENT DISCLOSURE REQUIREMENTS FOR TEXTILE, WOOL, AND FUR PRODUCTS

Legal Authority: 15 USC 68b(d); 15 USC 70j; 15 USC 69f(b)

CFR Citation: 16 CFR 300, (Wool); 16 CFR 301, (Fur); 16 CFR 303, (Textile)

Abstract: The Wool Products Labeling Act of 1939 Requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Textile Fiber Products Identification Act requires each household textile product to bear a label showing the percentage of each fiber contained in the product, using the appropriate generic name for the fiber, and the name of the manufacturer or distributor. Advertisements for textile products must also show the required information if any mention of fiber content is made. Both acts require disclosure of country of origin. The Fur Products Labeling Act requires that all furs and fur products be labeled, invoiced, and advertised to show the true name of the animal that produced the fur, whether the fur is used, dyed, or imported, and the name of the manufacturer or distributor. The three acts, as well as the Commission's rules implementing them, apply to manufacturers, distributors, and retailers of textile, wool, and fur products. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	10/30/86	
NPRM -- Recordkeeping	02/29/88	53 FR 5986
Final Action -- Recordkeeping	08/18/88	53 FR 31311
Final Action Effective	09/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission has adopted amendments to the information collection requirements contained in the several regulations under the three acts to reduce the burden of accomplishing the statutory objectives. The recordkeeping and disclosure requirements have been clarified and the paperwork burden estimates have been reduced by about 18%.

Agency Contact: James Mills, Federal Trade Commission, 202 326-3035

RIN: 3084–AA29

3809. FAIR PACKAGING AND LABELING RULES

Legal Authority: 16 USC 1333

CFR Citation: 16 CFR 300

Legal Deadline: None

Abstract: The Fair Packaging and Labeling Act, 15 USC 1453-1455, was passed in 1968 to eliminate consumer confusion and deception and to enable consumers to obtain accurate information as to the quantity of package contents and to facilitate value comparisons. The FTC has enforcement responsibility over package disclosures placed on "consumer commodities" as defined in the FPLA. The Commission has reviewed its rules implementing the FPLA in accordance with the Regulatory Flexibility Act. At the end of that review, the Commission concluded that the record contained insufficient evidence that the FPLA rules had had a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	12/24/87	52 FR 48716
End Reg Flex Review	06/07/88	53 FR 20834

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 326-3036

RIN: 3084–AA36

[FR Doc. 88-21384 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part LIV

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 15)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 88-15, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the Federal Register in October 1988. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 5, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

3810. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AA13

3811. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB35

ICC — Prerule Stage

3812. ● RAIL ABANDONMENTS; USE OF RIGHTS-OF-WAY AS TRAILS; SUPPLEMENTAL TRAILS ACT PROCEDURES, EX PARTE NO. 274 (SUB-NO. 13)

Significance: Agency Priority

Legal Authority: 11 USC 1170; 16 USC 1247(d); 49 USC 10321; 49 USC 10362; 49 USC 10505; 49 USC 10903 et seq; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1152

Legal Deadline: None

Abstract: The Commission has reopened this proceeding at the request of the National Association of Reversionary Property Owners to consider whether the rules implementing section 1247(d) of the National Trails System Act should be amended to require: (1) Railroads and trail groups to report to the Commission on the outcome of negotiations to transfer railroad rights-of-way for interim trail use and rail banking purposes and (2) additional reporting if an interim trail use agreement is reached.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/88	53 FR 19807
ANPRM Comment Period End	06/30/88	
Comments under review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The purpose of the proposal is to create a Commission record of who holds the present interest in rights-of-way that are the subject of interim trail use and rail banking certificates and notices under section 1247(d) so that persons holding reversionary interests in such rights-of-way can contact the Commission to find out who is responsible for maintenance and taxes and to protect property interests in the rights-of-way.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120–AB45

3813. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120–AB50

INTERSTATE COMMERCE COMMISSION (ICC) — Proposed Rule Stage

3814. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Ex Parte No. 431 has been held in abeyance pending the development of cost accounting principles by the Railroad Accounting Principles Board. These principles were published on September 1, 1987, and included a recommendation that further research be performed into certain identified subject areas of the Uniform Railroad Costing System before the system is implemented. This is to be done within 18 months of the Board's report.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120–AA63

3815. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10762; 49 USC 10708; 49 USC [illegible]; [illegible] USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: Commission regulations require filing of tariffs in printed form. Regulations are proposed which will permit carriers to file tariffs electronically. Comments on proposed rules sought from interested parties.

ICC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 18861
ANPRM Comment Period End	06/22/83	
NPRM	10/22/87	52 FR 39549
NPRM Comment Period End	02/19/88	52 FR 39549
Replies to comment due	03/10/88	53 FR 5022
Comments under evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-7739

RIN: 3120–AA99

3816. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS MANUFACTURED COMMODITIES, EX PARTE NO. 346 (SUB-NO. 24)

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3900
NPRM Comment Period End	05/16/88	53 FR 9672
Comments under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120–AB08

3817. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120–AB17

3818. RATE GUIDELINES - NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy stmt.	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments under internal evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Klem, Director, Bureau of Accounts, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7565

RIN: 3120–AB41

3819. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

ICC

Proposed Rule Stage

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120–AB43

3820. COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10731; 5 USC 553

CFR Citation: 49 CFR 1134; 49 CFR 1135; 49 CFR 1145

Legal Deadline: None

Abstract: The Commission is proposing rules that will establish procedures by which the Commission annually will (a) announce the revenue-to-variable cost ratio required by 49 USC 10731(e) to apply for the following calendar year; (b) monitor and take necessary action to ensure continued compliance by the railroads with 49 USC 10731(e); and (c) prohibit further rate increases, including those authorized under 49 USC 10707a(a)-(d), on recyclables having revenue/variable cost ratios in excess of the statutory cap level until such rates fall to below the cap level or the statutory cap level increases by Commission order.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/86	51 FR 21780
Extension of time for filing comments on ANPRM; new date: 10/15/86	08/12/86	51 FR 28847
ANPRM Comment Period End	09/15/86	51 FR 21780
NPRM	04/23/87	52 FR 13482
NPRM Comment Period End	07/22/87	52 FR 13482
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB47

3821. ENVIRONMENTAL DOCUMENTATION IN RAIL PROCEEDINGS, EX PARTE NO. 55 (SUB-NO. 22A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 to 10906; 16 USC 1247(d); 42 USC 4332; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1105

Legal Deadline: None

Abstract: The Commission is considering whether to modify its procedures to increase certain environmental notice periods and the information included in those notices. The modifications would also require service of environmental notices on designated parties, would substitute a revamped environmental notice for the former report requirement, and would reclassify some categories of actions for which environmental analyses are required.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB53

3822. ● CERTAIN INTERLOCKING DIRECTORATES; EXEMPTION, EX PARTE NO. 474

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 11322; 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1185

Legal Deadline: None

Abstract: The Commission proposes to exempt individuals from the prior approval requirements of 49 USC 11322(a) when they seek to assume positions as officers or directors of one rail carrier while holding the position of officer or director of another rail carrier, except where both carriers are Class I railroads.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12443
NPRM Comment Period End	05/16/88	
Comments under review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB54

INTERSTATE COMMERCE COMMISSION (ICC)

Final Rule Stage

3823. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Legal Deadline: None

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period End	04/08/85	
Final Action	03/31/87	52 FR 10382
Final Action Stayed	05/01/87	

ICC

Final Rule Stage

Action	Date	FR Cite
Action on Petition for Reconsideration	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petitions filed on 38904 granted by the Commission; decision decided May 1, 1987, stayed pending administrative review.

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting and Reporting, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7510

RIN: 3120–AA84

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

3824. ● ELECTRONIC TRANSMISSION OF FREIGHT BILLS, EX PARTE NO. 406

Significance: Agency Priority

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1035

Legal Deadline: None

Abstract: The Commission is clarifying its regulations governing rail carrier bills of lading to expressly authorize the use of electronic bills of lading (EBOL).

Timetable:

Action	Date	FR Cite
Final Action	06/07/88	53 FR 20853
Final Action Effective	06/07/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120–AA48

3825. ● EX PARTE NO. 246 (SUB-NO. 6) -- REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES -- 1988 UPDATE

Significance: Agency Priority

Legal Authority: 5 USC 533; 31 USC 9707; 49 USC 10321

CFR Citation: 49 CFR 1002

Legal Deadline: None

Abstract: The Commission is required by the regulations in 49 CFR 1002.3 to update user fees annually. In this decision, the Commission is announcing the 1988 Fee Update, which is based on the revised update formula that was adopted in Ex Parte No. 246 (Sub-No. 5), Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services -- 1987 Update, 4, I.C.C. 2nd -- 1987. Also, the Commission is proposing to increase various fees which were set at less than full cost in the 1984 major fee program revision.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19969
NPRM Comment Period End	07/01/88	53 FR 19969
Final Action	09/01/88	53 FR 33813
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Kathleen M. King, Assistant Secretary, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7428

RIN: 3120–AB55

[FR Doc. 88-20687 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part LV

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of June 30, 1988. NCUA will also include this agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of June 30, 1988.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing, at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts: (1) Actions completed since the last agenda; (2) actions proposed but not completed; and (3) actions planned but not yet proposed to the NCUA Board. Interpretive Rulings and Policy Statements (IRPS) and Guidelines promulgated by NCUA are also included in the agenda.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations," 52 FR 35231, September 18, 1987). Executive Order No. 12291 does not require independent executive agencies such as NCUA to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations."

Approved by the NCUA Board on July 27, 1988.

Becky Baker,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3826	FCU Ownership of Fixed Assets	3133-AA06
3827	Reserves	3133-AA12
3828	Treasury Tax and Loan Accounts	3133-AA16
3829	Nondiscrimination Requirements	3133-AA17
3830	Management Interlocks	3133-AA19
3831	Definitions	3133-AA47
3832	Loan Participation	3133-AA49
3833	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
3834	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
3835	Records Preservation Programs	3133-AA56
3836	Liquidation Manual	3133-AA65
3837	Share, Share Draft and Share Certificate Accounts	3133-AA82
3838	Liquidation Priorities and Adjudication of Claims	3133-AA84
3839	Investment and Deposit Activities	3133-AA87
3840	Federal Credit Union Field of Membership and Chartering Policy	3133-AA89
3841	Credit Union Service Contracts	3133-AA95
3842	Retirement Benefits for Employees of Federal Credit Unions	3133-AA96

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3843	Other Applications	3133-AA44
3844	Employee Responsibility and Conduct	3133-AA64
3845	Corporate Credit Unions	3133-AA68
3846	Regulation Required by the Competitive Equality Banking Act of 1987	3133-AA88

NCUA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3847	Refund of Interest	3133-AA36
3848	Rules of Board Procedure	3133-AA39
3849	Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions	3133-AA42
3850	Share, Share Draft and Share Certificate Accounts	3133-AA45
3851	Compensation of Officials	3133-AA51
3852	Fees Paid by Federal Credit Unions	3133-AA57
3853	Mortgage-Backed Obligations	3133-AA73
3854	Fidelity Bond and Insurance Coverage for Federal Credit Unions	3133-AA79
3855	Regulations Required by the Competitive Equality Banking Act of 1987 ("CEBA")	3133-AA88
3856	Central Liquidity Facility	3133-AA90
3857	IRPS 88-1 Policy on Selection of Securities Dealers and Unsuitable Investment Practices	3133-AA91
3858	Loans to Members and Lines of Credit to Members; Investments and Deposits	3133-AA92
3859	Insurance Coverage -- Appendix	3133-AA93
3860	Interest Rate Ceiling	3133-AA94

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Prerule Stage

3826. ● FCU OWNERSHIP OF FIXED ASSETS

Legal Authority: 12 USC 1757(4)

CFR Citation: 12 CFR 701.36

Legal Deadline: None

Abstract: This section sets forth limitations on an FCU's ownership of fixed assets. It will be reviewed to determine if it needs to be amended, clarified, or simplified.

Timetable:

Action	Date	FR Cite
Staff review: Proposal to NCUA Board	10/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gerald McClernon, National Credit Union Administration, Office of Examination & Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA06

3827. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702

Legal Deadline: None

Abstract: NCUA has asked for suggestions from the public on whether assets other than loans--primarily investments--should be provided for in reserves. No decision has been made on amending the regulations in this regard.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38771
ANPRM Comment Period End	02/05/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Examination and Insurance, (202) 357-1065.

Agency Contact: Robert Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA12

3828. ● TREASURY TAX AND LOAN ACCOUNTS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-1

Legal Deadline: None

Abstract: This section sets forth FCU authority for serving as Treasury tax and loan depositories. Staff is reviewing it to determine if it needs to be updated or clarified.

Timetable:

Action	Date	FR Cite
Staff review: Proposal to NCUA Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA16

3829. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act

NCUA

Prerule Stage

and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA17

3830. ● MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: This part sets forth provisions of the Depository Institution Management Interlocks Act. Staff is reviewing this part to determine if it should be simplified or otherwise amended.

Timetable:

Action	Date	FR Cite
Staff review: Proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA19

3831. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None

Abstract: This section sets forth basic definitions applicable in all NCUA regulations. The definitions will be reviewed for need, accuracy and clarity.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA47

3832. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions wishing to participate in making loans with other credit unions, credit organizations, or financial organizations. The regulation will be reviewed to determine if the power can be expanded and simplified.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA49

3833. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions that wish to purchase, sell, or pledge a loan or group of loans. The section will be reviewed to determine whether it is needed, and whether it can be simplified.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA50

3834. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Legal Deadline: None

Abstract: This section sets out the authority for and requirements of Federal credit unions when they serve as depositories and financial agents of the United States Government. It also lists the functions credit unions may perform in this capacity.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA53

3835. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None

Abstract: This part mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. Staff is reviewing this

part to determine whether it can be deleted, updated, or simplified.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA56

3836. LIQUIDATION MANUAL

Legal Authority: 12 USC 1766(a); 12 USC 1786; 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The present Involuntary Liquidation Manual is outdated. A new draft Involuntary Liquidation Manual has been written and is being circulated for comments within the Agency.

Timetable:

Action	Date	FR Cite
Staff draft manual to Board	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy Hornbrook/Allan Meltzer, Director of Risk Management/Assistant General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133–AA65

3837. SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: An FCU's payment of dividends on share, share draft and share certificate accounts is limited to available earnings and cannot be guaranteed in advance. In light of problems which NCUA has encountered with certain liquidated credit unions, staff is considering recommending to the Board that a statement to this effect be included in NCUA's share account regulations.

Timetable:

Action	Date	FR Cite
Staff proposal to Board	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA82

3838. LIQUIDATION PRIORITIES AND ADJUDICATION OF CLAIMS

Legal Authority: 12 USC 1787

CFR Citation: None

Legal Deadline: None

Abstract: Staff is studying two liquidation issues: priority of payout and the administrative procedure for adjudicating creditor claims.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA84

3839. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766

CFR Citation: 12 CFR 703

Legal Deadline: None

Abstract: NCUA staff is undertaking a comprehensive review of FCU investment authority in light of changes in the marketplace, e.g., increased availability of mutual funds geared primarily toward FCU's new instruments based on permissible FCU investments, new investment structures, statutory expansions of FCU investment authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Timothy McCollum, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA87

3840. FEDERAL CREDIT UNION FIELD OF MEMBERSHIP AND CHARTERING POLICY

Legal Authority: 12 USC 1752; 12 USC 1753

CFR Citation: None

Legal Deadline: None

Abstract: The NCUA Board has issued two requests for public comment. Staff plans to present a status report to the Board in November 1988. A new chartering manual is expected in early 1989.

Timetable:

Action	Date	FR Cite
Begin Review	08/29/87	52 FR 36429
ANPRM	06/17/88	53 FR 22656
ANPRM Comment Period End	08/16/88	
Status report to the Board	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA89

3841. ● CREDIT UNION SERVICE CONTRACTS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

NCUA **Prerule Stage**

Abstract: This section authorizes, subject to certain requirements, an FCU to enter into a contractual agreement with one or more credit unions or other organizations for the purpose of sharing, utilizing, renting, leasing, purchasing, selling, and/or joint ownership of fixed assets, or engaging in activities and/or services relating to the daily operations of credit unions. Staff will review this section to determine if it needs to be clarified or otherwise amended.

Timetable:

Action	Date	FR Cite
Staff review: Proposal to NCUA Board	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA95

3842. ● RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1761b

CFR Citation: 12 CFR 701.19; 12 CFR 701.24

Legal Deadline: None

Abstract: Section 701.19 sets forth an FCU's authority to provide retirement benefits to employees and officers. Section 724 describes when an FCU can act as a trustee or custodian of pension plans. Staff is reviewing these sections to determine if they need to be updated or clarified.

Timetable:

Action	Date	FR Cite
Staff review: Proposal to NCUA	03/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Juile Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA96

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

3843. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None

Abstract: This section specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections of the NCUA Regulations, are to be presented to the Agency. This section is being reviewed in conjunction with regulatory review of Part 790.

Timetable:

Action	Date	FR Cite
NPRM	12/11/87	52 FR 47014
NPRM Comment Period End	02/09/88	52 FR 47014
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA44

3844. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 792

Legal Deadline: None

Abstract: The primary purpose of this change would be to collect in one place the rules governing NCUA employees. Legal and regulatory requirements concerning NCUA employee ethics are currently found in Part 792 of the NCUA Regulations, the NCUA Examiner's Guide, the Office of Personnel Management's Regulations, and various Federal statutes. This rule would not affect credit unions.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 38926
NPRM Comment Period End	12/21/87	52 FR 38926
Staff final rule to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Rosemary Brady, Assistant Executive Director, Office of the Board (202) 357-1100.

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA64

3845. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None

Abstract: This part sets forth special rules applicable to corporate credit unions. The NCUA Board has proposed several clarifying amendments.

Timetable:

Action	Date	FR Cite
NPRM	06/02/88	53 FR 20122
NPRM Comment Period End	08/01/88	
Staff proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Groth, Corporate Credit Union Specialist, National Credit Union Administration,

NCUA

Proposed Rule Stage

1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133–AA68

3846. ● REGULATION REQUIRED BY THE COMPETITIVE EQUALITY BANKING ACT OF 1987

Legal Authority: 12 USC 1766; PL 100-86

CFR Citation: None

Legal Deadline: None

Abstract: CEBA amended FCU Act to permit the NCUA Board to allow second mortgage loans, home improvement loans, and loans to finance the purchase of a mobile home to have a maturity in excess of 15 years. Staff is reviewing this statutory change to determine if a change in the regulations is necessary.

Timetable:

Action	Date	FR Cite
Proposal to Board	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerry McClernon, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133–AA88

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

3847. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Legal Deadline: None

Abstract: This section provides the framework on FCU's making interest payment refunds to members who paid interest on loans during a dividend period. The NCUA Board has issued a final rule simplifying and clarifying the regulation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	02/08/87	
NPRM	12/09/87	52 FR 46601
Final Action	05/31/88	53 FR 19746
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133–AA36

3848. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 791

Legal Deadline: None

Abstract: The NCUA Board issued a final rule amending and simplifying the rules of Board procedure. The Board also transferred provisions regarding the issuance of NCUA Rules and Regulations and NCUA's compliance with the Sunshine Act from Part 790 to 791.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4996
NPRM Comment Period End	05/09/88	
Final Action	08/08/88	53 FR 29646
Final Action Effective	08/08/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Becky Baker, Board Secretary, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1100**

RIN: 3133–AA39

3849. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Legal Deadline: None

Abstract: The part provides the framework for federally insured State-chartered credit unions' offering share draft accounts. Since NCUA has virtually completely deregulated share draft programs, the NCUA repealed this provision as unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	02/10/88	
NPRM Comment Period End	05/09/88	
Final Action	08/08/88	53 FR 29645
Final Action Effective	08/08/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133–AA42

3850. ● SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1757(6)

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: The NCUA Board made a technical change in Section 701.35 to clarify that FCUs must comply with all applicable Federal laws concerning the types of disclosures, fees, or charges, time for crediting of deposited funds, and other matters relating to share, share draft and share certificate accounts.

Timetable:

Action	Date	FR Cite
Final Action	05/31/88	53 FR 19747
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General

Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA45

3851. COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Legal Deadline: None

Abstract: NCUA Board issued a final amendment to this regulation setting forth guidelines on indemnification of FCU officials and employees.

Timetable:

Action	Date	FR Cite
NPRM	02/10/88	
NPRM Comment Period End	05/09/88	
Final Action	08/08/88	53 FR 29640
Final Action Effective	09/07/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA51

3852. ● FEES PAID BY FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1755

CFR Citation: 12 CFR 701.6

Legal Deadline: None

Abstract: The NCUA Board made a technical change to section 701.6 to conform the rule to a prior decision to assess its operational fees based on the Agency's fiscal year rather than the calendar year.

Timetable:

Action	Date	FR Cite
Final Action	05/31/88	53 FR 19747
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA57

3853. MORTGAGE-BACKED OBLIGATIONS

Legal Authority: 12 USC 1757(15); 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 703; 12 CFR 701

Legal Deadline: None

Abstract: NCUA Board amended Parts 701 and 703 to permit FCU investment in privately-issued mortgage-related securities and certain mortgage notes pursuant to Section 107(15) of the FCU Act. The Board also issued Letter to Credit Unions 96 which sets forth guidelines on investment in mortgage-related securities.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/87	52 FR 27994
NPRM	07/27/87	52 FR 27994
NPRM Comment Period End	09/18/87	52 FR 27994
Final Action	02/18/88	53 FR 4844
Final Action Effective	02/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133–AA73

3854. FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1761a; 12 USC 1761b; 12 USC 1766(s); 12 USC 1766(h); 12 USC 1789(A)(11)

CFR Citation: 12 CFR 701.20

Legal Deadline: None

Abstract: NCUA Board issued a final rule updating this section and conforming it to provisions of the Competitive Equality Banking Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/12/87	52 FR 43340
NPRM Comment Period End	01/08/88	52 FR 43340
Final Action	03/24/88	53 FR 9610
Final Action Effective	03/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA79

3855. REGULATIONS REQUIRED BY THE COMPETITIVE EQUALITY BANKING ACT OF 1987 ("CEBA")

Legal Authority: 12 USC 1766(a); PL 100-86

CFR Citation: None

Legal Deadline: None

Abstract: NCUA Board issued a final rule amending Part 747 to conform it to changes made by CEBA to NCUA's prohibition, removal and suspension authority. Other CEBA issues are being reviewed by staff, including the authority to permit second mortgage and home improvement loans in excess of 15 years.

Timetable:

Action	Date	FR Cite
Final Action	08/05/88	53 FR 29446
Final Action Effective	08/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy P. McCollum, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA88

3856. ● CENTRAL LIQUIDITY FACILITY

Legal Authority: 12 USC 1795

CFR Citation: 12 CFR 725

Legal Deadline: None

Abstract: The NCUA Board amended this regulation to include a definition of "liquid assets."

NCUA

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	06/16/88	53 FR 22471
Final Action Effective	06/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Floyd Lancaster, President, Central Liquidity Facility, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133–AA90

3857. ● IRPS 88-1 POLICY ON SELECTION OF SECURITIES DEALERS AND UNSUITABLE INVESTMENT PRACTICES

Legal Authority: 12 USC 1757(7); 12 USC 1757(8); 12 USC 1766(a); 12 USC 1789(a)(11)

CFR Citation: None

Legal Deadline: None

Abstract: The NCUA Board adopted, with minor modifications, the Federal Financial Institutions Examination Council supervisory policy entitled "Selection of Securities Dealers and Unsuitable Investment Practices."

Timetable:

Action	Date	FR Cite
Final Action	05/23/88	53 FR 18268
Final Action Effective	05/23/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA91

3858. ● LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS; INVESTMENTS AND DEPOSITS

Legal Authority: 12 USC 1757(5)

CFR Citation: 12 CFR 701; 12 CFR 703

Legal Deadline: None

Abstract: The NCUA Board approved an interim final rule permitting FCUs to purchase certain put options for the purpose of reducing the risk of loss from interest rate increases between the time an FCU makes an interest rate commitment to a member on a real estate loan and the time the loan is sold on the secondary market.

Timetable:

Action	Date	FR Cite
Final Action	05/31/88	53 FR 19748
Final Action Effective	05/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy P. McCollum, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA92

3859. ● INSURANCE COVERAGE -- APPENDIX

Legal Authority: 12 USC 1766; 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 745

Legal Deadline: None

Abstract: The NCUA Board clarified explanatory language and revised examples of account insurance coverage contained in the Appendix to Part 745.

Timetable:

Action	Date	FR Cite
Final Action	06/16/88	53 FR 22472
Final Action Effective	06/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA93

3860. ● INTEREST RATE CEILING

Legal Authority: 12 USC 1757

CFR Citation: 12 CFR 701.21

Legal Deadline: Final, Statutory, September 9, 1988.

Abstract: Board approved continuation of 18-percent Federal credit union ceiling for a period of September 10, 1988, to March 9, 1990.

Timetable:

Action	Date	FR Cite
Final Action	08/08/88	53 FR 29642
Final Action Effective	09/10/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133–AA94

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Monday
October 24, 1988

Part LVI

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 25, 1988 (53 FR 14692).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered between 7:30 a.m. and 4:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying at a cost of ten cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Juanita Beeson, Chief, Rules Review and and Editorial Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-8926. Persons outside the Washington, DC, metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on April 25, 1988 (53 FR 14692).

Within each group, the rules are ordered from the lowest to the highest part within Title 10 of the Code of Federal Regulations (Title 10) and when more than one rule appears under the same part, the rules are arranged within that part according to the date of most recent publication. If a rule contains changes to more than one Title 10 part, the rule is listed under the lowest affected part.

The information in this agenda has been updated through August 24, 1988. The date under the heading, "Timetable," for the next scheduled action is the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. This regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Seven rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 25th day of August 1988.

For the Nuclear Regulatory Commission.

John D. Philips,

Acting Director, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3861	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3862	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
3863	Night Firing Qualifications for Security Guards at Nuclear Power Plants	3150-AC88
3864	Enforcement of Nondiscrimination on the Basis of Handicap in Federal Assisted Programs	3150-AC64
3865	Revision of Definition of Meeting	3150-AC78
3866	Fitness For Duty Program	3150-AC81
3867	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
3868	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
3869	Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites	3150-AC56
3870	Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
3871	Regulation of Uranium Enrichment Facilities	3150-AC71
3872	Extension of Time for the Implementation of the Decontamination Priority and Relationship Provisions of Property Insurance Requirements	3150-AC94
3873	Debt Collection Procedures	3150-AC87
3874	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3875	Availability of Official Records	3150-AC07
3876	Deletion of Part 11 Requirement for Renewal of "R" Clearances	3150-AC58
3877	Notification of Incidents	3150-AC91
3878	Licensees and Radiation Safety Requirements for Large Irradiators	3150-AC98
3879	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
3880	Maintenance of Nuclear Power Plants	3150-AD00
3881	Pressurized Thermal Shock Rule	3150-AD01

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3882	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3883	Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Waste	3150-AB70
3884	NEPA Review Procedures or Geologic Repositories for High-Level Waste	3150-AC04
3885	Issuance or Amendment of Power Reactor License or Permit Following Initial Decision	3150-AC15
3886	Rules of Practice for Domestic Licensing Proceedings--Procedural Changes in Hearing Process	3150-AC22
3887	Standards for Protection Against Radiation	3150-AA38
3888	Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3889	Safety Requirements for Industrial Radiographic Equipment	3150-AC12
3890	Basic Quality Assurance in Radiation Therapy	3150-AC65
3891	Acceptance Criteria for Emergency Core Cooling System (ECCS) for Light Water Nuclear Power Reactors	3150-AA44
3892	Alternative Methods for Leakage Rate Testing	3150-AC54
3893	Licensee Announcement of Inspectors	3150-AC73
3894	Licensee Action During National Security Emergency	3150-AC83
3895	Disposal of Radioactive Wastes	3150-AB89
3896	Criteria and Procedures for Emergency Access to Non-federal and Regional Low-Level Waste Disposal Facilities	3150-AC24
3897	Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AC62
3898	Restrictions Against Ownership of Certain Security Interests by Members of Advisory Committee on Nuclear Waste; Gifts, Entertainment, and Favors	3150-AC92
3899	Relocation of NRC's Public Document Room; Other Minor Nomenclature Changes	3150-AC89
3900	Revision of Fee Schedule	3150-AC80
3901	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
3902	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
3903	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
3904	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
3905	Degree Requirement for Senior Operators at Nuclear Power Plants	3150-AC26
3906	Equivalent Control Capacity for Standby Liquid Control Systems (SLCS)	3150-AC72
3907	Emergency Planning and Preparedness Requirements for Nuclear Power Plant Fuel Loading and Initial Low-Power Operations	3150-AC86
3908	Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
3909	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors	3150-AC61
3910	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
3911	Facility Form Nuclear Liability Insurance Policy; Miscellaneous Amendments	3150-AC82

NRC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3912	Negotiated Rulemaking on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High Level Waste	3150-AC44
3913	Minor Amendments to Physical Protection Requirements	3150-AC96
3914	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
3915	Storage of Spent Nuclear Fuel in NRC Approved Casks at Civilian Nuclear Power Reactor Sites	3150-AC76
3916	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3917	Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings	3150-AC18
3918	Retention Periods for Records	3150-AB43
3919	General Requirements for Decommissioning Nuclear Facilities	3150-AA40
3920	Control of Aerosols and Gases	3150-AC60
3921	Backfit Requirement for Senior Operators at Nuclear Power Plants	3150-AC63
3922	Revision of Telephone Numbers for Environmental Inquiries	3150-AC97
3923	Addresses for Personal Delivery of Communications	3150-AC84
3924	Access Authorization Fee Schedule for Licensee Personnel	3150-AC85
3925	+Implementation of the Use of SF-86, "Questionnaire for Sensitive Positions"	3150-AC90
3926	Revision of Fee Schedule: Interim Rule	3150-AC95
3927	Station Blackout	3150-AB38
3928	Codes and Standards for Nuclear Power Plants	3150-AC29
3929	Residual Radioactive Contamination Limits for Decommissioning	3150-AC21
3930	Diagnostic Misadministration Report Form	3150-AC69
3931	Codes and Standards for Nuclear Power Plants (ASME code, 1986/1987 Addenda)	3150-AC93

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

3861. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive that Policy Amendment Act of 1985 (Pub. L. 99-240). The public will be asked to comment on 14 questions. The ANPRM requests public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter.

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stanley Neuder, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3737**

RIN: 3150–AC35

NUCLEAR REGULATORY COMMISSION (NRC) — Proposed Rule Stage

3862. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. Perhaps as important, the accident experience of every country that bases it domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
NPRM Comment Period End	10/06/88	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, will be issued for public comments. The task will be scheduled over a 2-year interval ending January 1989 and will consume 2-3 staff years of effort, depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3784**

RIN: 3150–AC41

3863. ● NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The proposed rule would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The proposed rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment will standardize training and qualification in night firing and prepare power reactor guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	
Final Action	05/18/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: require minor licensing, inspection and other regulatory actions. There is no occupational exposure.

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking.

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC88

3864. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERAL ASSISTED PROGRAMS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 4

Legal Deadline: None

Abstract: The proposed rule would amend regulations concerning the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross reference to the Uniform Federal Accessibility Standards (UFAS). This action is necessary because some facilities subject to the new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act. Therefore, reference to UFAS by all government agencies would diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business, Utilization /Civil Rights, **301 492-7697**

RIN: 3150–AC64

3865. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889), and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AC78

3866. ● FITNESS FOR DUTY PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 26

Legal Deadline: None

Abstract: The proposed rule would create a new part to the Commission's regulations to require licensees authorized to operate nuclear power reactors to implement a fitness for duty program that will provide reasonable assurance that activities associated with nuclear power plant operations are carried out in an environment that is free from the effects of alcohol and drug abuse. The proposed rule provides for basic fitness for duty program elements such as the development of written policy and procedures, provisions for the training of supervisors and employees, standards for drug testing requirements for employee assistance programs, management actions, and appeal procedures.

The proposed rule represents the culmination of several years of effort in developing a fitness for duty program. On August 5, 1982, the Commission published a proposed rule (47 FR 27921). On December 1, 1987, the Commission was briefed on the experiences gained to date under the policy statement and on the status of implementation. The Commission then

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: requested the staff to prepare a new proposed rule.

The estimated incremental cost to industry is between $160.7 million and $243.3 million for the life of the current plants. NRC costs to review and oversee implementation and operation of the programs will involve 6 staff persons for a cost between $4 million and $6 million for a 25-year period.

Agency Contact: Loren L. Bush, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0944**

RIN: 3150–AC81

3867. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering whether to amend its regulations to require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An advance notice of proposed rulemaking was published to request public comment on the extent to which, in addition to the basic quality assurance steps (being addressed by another rulemaking action, entitled "Basic Quality Assurance in Radiation Therapy"), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM Comment Period End	12/31/87	52 FR 36949

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC42

3868. ● MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The Commission is considering whether its training and experience criteria for individuals involved in medical use of byproduct material need to be revised. Rulemaking may be needed to reduce the change of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an Advance Notice of Proposed Rulemaking published May 25, 1988. The NRC staff will analyze the comments received before recommending whether regulatory action is necessary.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM Comment Period End	08/24/88	53 FR 18845

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 492-3417**

RIN: 3150–AC99

3869. CRITERIA FOR LICENSING THE CUSTODY AND LONG-TERM CARE OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rule would provide a procedure to license a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the DOE determination that the site has been properly constructed and (2) a surveillance and maintenance plan that meets the requirements of the general license has been received by NRC. No impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3877**

RIN: 3150–AC56

3870. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of high-level waste (HLW) geologic repositories. Section 121(c) of this act states that these criteria must be consistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	51 FR 22288

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frank Costanzi/Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AC03

3871. REGULATION OF URANIUM ENRICHMENT FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 76

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering an amendment to its regulations to create a new part that would pertain to uranium enrichment facilities. The construction and operation of these facilities are currently licensed under the NRC regulations for other production and utilization facilities (e.g., nuclear power plants) in 10 CFR Part 50. The advance notice of proposed rulemaking seeks comments on whether a separate set of regulations for uranium licensing is desirable.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/88	53 FR 13286
ANPRM Comment Period End	07/21/88	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Arthur T. Clark, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 492-4205**

RIN: 3150–AC71

3872. ● EXTENSION OF TIME FOR THE IMPLEMENTATION OF THE DECONTAMINATION PRIORITY AND RELATIONSHIP PROVISIONS OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes to amend the implementation schedule or the decontamination priority and trusteeship provisions of its property insurance regulations continued in 10 CFR 50.54(w)(5)(i) to change the effective date from October 4, 1988 to April 1, 1990. This delay in implementation is necessary because the insurers that offer property insurance for power reactors have informed the Commission that they will be unable to include the decontamination priority and trusteeship provisions in their policies within the time currently provided by 10 CFR 50.54(w). Concurrently, the

extension of the effective date of the rule will allow the NRC to consider recently submitted petitions for rulemaking that propose changes to improve the efficacy of the NRC's decontamination priority and trust provisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1280**

RIN: 3150–AC94

3873. ● DEBT COLLECTION PROCEDURES

Legal Authority: 31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 15

Legal Deadline: None

Abstract: The proposed rule would amend the regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to further improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	
Final Action	11/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Graham D. Johnson, Nuclear Pegulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-7535**

RIN: 3150–AC87

3874. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has deferred further consideration of this proposal which would have revised the Commissions's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice, retitle the hearing office, and revise and reorganize the statement of the Commission's procedural rules to reflect current practice. The changes in this proposed rule would enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, **301 492-7787**

RIN: 3150–AB66

3875. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw, pursuant to 10 CFR 2.790(c) of the NRC's regulations, information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward C. Shomaker, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1560**

RIN: 3150–AC07

3876. DELETION OF PART 11 REQUIREMENT FOR RENEWAL OF "R" CLEARANCES

Legal Authority: 42 USC 2201(i); 42 USC 5841

CFR Citation: 10 CFR 11

Legal Deadline: None

Abstract: The current regulations require licensees to renew "R" clearances every 5 years. This level of clearance corresponds to the "L" clearances used by NRC and DOE that do not require renewal. Because of this equivalence, the renewal requirement for the"R" level licensee clearance is deemed unnecessary. This rulemaking would delete that requirement from Part 11. The timetable for this rule has been placed on hold pending publication of Executive Order 10450, "Security Requirements for Government Employees."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC58

3877. ● NOTIFICATION OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule would amend regulations concerning the notification of incidents involving byproduct, source, or special nuclear material possessed by a licensee. The proposed rule would clarify licensee reporting requirements for events involving byproduct, source, or special nuclear material that result in the loss of operation or damage to property. The proposed rule would also define the term "immediate" in the context of time. The proposed action is necessary because the NRC is not being notified of all incidents that occur involving byproduct, source, or special nuclear material possessed by the licensee. The proposed rule is intended to clarify that the notification requirements apply to all licensees subject to the standards for protection against radiation. Because the proposed amendments are needed to clarify an existing regulation, no alternative to rulemaking is acceptable. The proposed amendments are not expected to have any economic impact on NRC or its licensees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3795**

RIN: 3150–AC91

3878. ● LICENSEES AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 036

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is developing regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	
Final Action	05/05/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3757**

RIN: 3150–AC98

3879. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission(cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, their is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend upon guidance from the Commission regarding the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR. The timetable for this rule is on hold based on a decision by the Commission.

NRC — Proposed Rule Stage

Agency Contact: Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3729**

RIN: 3150–AB88

3880. ● MAINTENANCE OF NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet such requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and wold be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and $600,000 for contract services will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3730**

RIN: 3150–AD00

3881. ● PRESSURIZED THERMAL SHOCK RULE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The Pressurized Thermal Shock (PTS) Rule, published July 23, 1985, established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The rule prescribes how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed amendment revises the calculative procedure to be consistent with that given in Revision 2 of the Regulatory Guide 1.99. The guide provides an updated correlation of embrittlement data, which received CRGR approval for publication in final form on December 9, 1987.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-cooper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/01/89	
Final Action	03/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: in the next 10 years. Therefore, a high priority is being given to this effort.

An unacceptable alternative to this amendment from the safety standpoint is to leave the present PTS rule in place. The staff's plant-by-plant analyses found four plants whose reference temperatures are 52 to 68 degrees F higher than previously thought, based on the present rule. This is beyond the uncertainties that were felt to exist when the proposed rule was published. Another unacceptable alternative that has been evaluated is to change the calculative procedure for the reference temperature and also change the screening criterion. Failure probabilities for the most critical accident scenarios in three plants, when recalculated using the new embrittlement estimates, were somewhat lower, but were quite dependent on the plant configuration and the scenario chosen. Furthermore, the screening criterion was based on a variety of considerations besides the probabilistic analysis. Reopening the question of where to set the screening criterion was not considered productive because of plant-to-plant differences.

Agency Contact: Pryor N. Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3842**

RIN: 3150–AD01

NUCLEAR REGULATORY COMMISSION (NRC) — Final Rule Stage

3882. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

NRC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
Final Action	09/00/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1637

RIN: 3150–AA05

3883. LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would revise existing regulations to establish specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA requires that any monitored retrievable storage installation pursuant to Section 141 be licensed by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS.

There is no appropriate alternative to rulemaking, the vehicle used by NRC to establish its licensing procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19106
NPRM Comment Period End	08/25/86	51 FR 21560
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

The basic requirements for storage of spent fuel in an independent spent fuel storage installation currently codified in 10 CFR Part 72 are not being changed, thus no incremental impact on NRC, industry, or the health and safety of the public is anticipated.

Agency Contact: Keith Steyer/Charles Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3824

RIN: 3150–AB70

3884. NEPA REVIEW PROCEDURES OR GEOLOGIC REPOSITORIES FOR HIGH-LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 02; 10 CFR 51; 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste (HLW) geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental reviews that the NRC performs in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16131
NPRM Comment Period End	08/03/88	
Final Action	05/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James R. Wolf, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1641

RIN: 3150–AC04

3885. ISSUANCE OR AMENDMENT OF POWER REACTOR LICENSE OR PERMIT FOLLOWING INITIAL DECISION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's "immediate effectiveness" regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective. The proposed rule would (1) remove the existing provision governing the effectiveness of initial decisions regarding power reactor construction permits and (2) revise the Commission's existing practice regarding "effectiveness reviews" for full-power operating licenses. The proposed rule also would delete language in the existing regulation emanating from Three Mile Island-related regulatory policies, for which action has now been completed.

The proposed rule would supersede two prior proposed rules entitled "Possible Amendments to 'Immediate Effectiveness' Rules," published May 22, 1980 (45 FR 43279), and "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25, 1982 (47 FR 47260).

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	51 FR 3442
NPRM Comment Period End	05/06/87	51 FR 11475
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1634

RIN: 3150–AC15

3886. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS--PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission (NRC) is considering amendments to its rules of practice which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment, together with a number of other proposals, as suggestions for procedural changes in the licensing of nuclear power plants. (49 FR 14698; April 12, 1984). The Commission has decided not to proceed with the April 1984 proposals, except to the extent that they were included in this proposed rule. Therefore, the April 1984 proposals have been deleted from the regulatory agenda.

The NRC is also considering related amendments on the process of intervention that were developed by former Commissioner (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	51 FR 24356
NPRM Comment Period End	10/17/86	51 FR 31340
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Asselstine. The staff is analyzing public comments received on the proposals and expects to forward a recommendation for the Commission's consideration.

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1637

RIN: 3150–AC22

3887. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply these standards to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	10/31/86	
Final Action	10/14/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: delay for further guidance, and partial revision of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations which reflect contemporary scientific knowledge and radiation protection philosophy, implementing regulations that reflect the ICRP risk-based rationale, reducing lifetime doses to individuals receiving the highest exposures, implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public, providing an understandable health-risk base for protection, and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about $33 million for all NRC and Agreement State licensees in the initial year and about $8 million in each subsequent year.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3738

RIN: 3150–AA38

3888. EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would,

among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

Currently, the proposed requirements are, for the most part, required by order. However, the Commission decided that a regulation was needed for the long term. The cost of the rule to licensees was estimated to be between $26,000 and $73,000 per year per licensee. The cost to NRC is estimated to be $4,000 per year per licensee. The NRC will expend about 2 staff-years of effort to promulgate the rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	46 FR 29712
NPRM	04/20/87	52 FR 12921
NPRM Comment Period End	07/20/87	52 FR 12921
Final Action	10/31/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3918**

RIN: 3150–AA41

3889. SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EQUIPMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Legal Deadline: None

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time, amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary, and incorporate (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8460
NPRM Comment Period End	08/16/88	53 FR 18096
Final Action	04/17/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of $1,625 per licensee to purchase alarm dosimeters and $850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters, and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis, but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3628**

RIN: 3150–AC12

3890. BASIC QUALITY ASSURANCE IN RADIATION THERAPY

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is proposing to amend its regulations concerning the medical use of byproduct material. The proposed amendments would require its medical licensees to implement certain quality assurance steps that would reduce the chance of therapy misadministrations. The proposed action is necessary to provide for improved patient safety and serve as a basis for enforcement action in case of a therapy misadministration. The proposed amendment, which is intended to reduce the potential for and severity of therapy misadministrations would primarily affect hospitals, clinics, and individual physicians.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	52 FR 36942
NPRM Comment Period End	12/01/87	52 FR 36942
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC65

3891. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEM (ECCS) FOR LIGHT WATER NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC

2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by allowing the use of realistic methods to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements greatly underestimate the ability of the ECCS to protect the core. This restricts the operation of some nuclear reactors unnecessarily and increases the costs of generating electricity. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident.

Use of the realistic evaluation model may result in up to a 5 percent power upgrade for some plants. The present value of energy replacement cost savings resulting from a potential upgrade has been estimated to range between $5 and $127 million, depending on the location and age of a specific plant.

The proposed rule would apply to all applicants for and (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	43 FR 57157
NPRM	03/03/87	52 FR 6334
NPRM Comment Period End	07/17/87	52 FR 6334
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: holders of construction permits for light-water reactors. If they choose, holders of operator licenses could utilize the proposed rule.

Because the proposed rule represents a significant change in a regulatory requirement, the staff prepared and issued on May 15, 1987, a summary of ECCS research performed over the last 10 years This guide provides a definition of what constitutes an that identifies the technical basis for the proposed rule. A regulatory guide was also prepared and issued on April 2, 1987. This guide provides a definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2 to 3 staff-years and $200,000 of contractor support.

Agency Contact: Harry Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3566**

RIN: 3150–AA44

3892. ALTERNATIVE METHODS FOR LEAKAGE RATE TESTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes a limited amendment to its regulations to clarify a question of interpretation in regard to leakage testing of containments of light-water cooled nuclear power plants. This proposed amendment would explicitly permit the continued use of a statistical data analysis technique that the NRC has considered to be an acceptable method of calculating containment leakage rates. Rulemaking is the only acceptable alternative for resolving this issue because the regulations specify the methods the NRC finds acceptable for calculation leakage rates. Because the proposed rule would simply make another method of calculating leakage rates available to the industry, no economic impact will probably result from this action.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 5985
NPRM Comment Period End	03/30/88	
Final Action	11/15/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: E. Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3945**

RIN: 3150–AC54

3893. LICENSEE ANNOUNCEMENT OF INSPECTORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is amending its regulations to ensure that the presence of NRC inspectors on power reactor sites is not announced to licensee and contractor personnel without the expressed request to do so by the inspector. This change will allow the NRC inspector, who is badged at the facility, to observe ongoing activities as they are being performed without licensee or contractor personnel having advanced notice of the inspection.

Timetable:

Action	Date	FR Cite
NPRM	03/18/88	53 FR 8924
NPRM Comment Period End	04/18/88	53 FR 8924
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: George Barber, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1296**

RIN: 3150–AC73

3894. ● LICENSEE ACTION DURING NATIONAL SECURITY EMERGENCY

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would allow a licensee during a national security emergency to deviate from a license condition or a technical specification. The Commission previously has granted authority to nuclear power reactor licensees to take reasonable action that departs from a license condition or a technical specification in an emergency when the action is immediately necessary to protect the public health and safety and no action consistent with license

conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This proposed rule will provide the same flexibility to licensees, but for the purpose of attaining national security objectives during a declared national emergency due to nuclear war or natural disaster.

The proposed rule change does not significantly impact state and local governments, health, safety, and the environment; or costs to licensees.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27174
NPRM Comment Period End	08/18/88	53 FR 27174
Final Action	02/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Aron, Nuclear Regulatory Commission, Office of Assessment and Evaluation of, Operational Data, Washington, DC 20555, **301 492-9001**

RIN: 3150–AC83

3895. DISPOSAL OF RADIOACTIVE WASTES

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 61

Legal Deadline: None

Abstract: The Commission instructed the staff to analyze the need to revise the definition of high-level radioactive waste (HLW) in Part 60 to conform with the definition in the Nuclear Waste Policy Act (NWPA). An ANPRM was published on February 27, 1987 (52 FR 5992), which recommended a revision based either wholly or partially on concentrations of radionuclides in the waste. After assessing the public comments on the ANPRM, and also taking into account recent information, the staff is now recommending against any revision of the definition of HLW. Instead, amendments to Part 61 are being recommended that would require geologic repository disposal of all above-Class C low-level radioactive waste (LLW) unless an alternative has been approved by the Commission. This would accomplish the objective of establishing suitable disposal requirements for radioactive waste with a minimal impact on cost burdens. Alternatives are (1) revise the definition of HLW so that additional above-Class C LLW is reclassified as HLW; or (2) make no change in the system of waste classification or required waste disposal options. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	02/27/87	52 FR 5992
ANPRM Comment Period End	06/29/87	52 FR 16403
NPRM	05/18/88	53 FR 17709
NPRM Comment Period End	07/18/88	53 FR 17709
Final Action	04/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

The public and industry would benefit from this clarification of waste disposal options for above Class C LLW. NRC staff time for preparing this rulemaking is estimated to be two-staff years.

Agency Contact: Clark Prichard/Frank Costanzi, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3857**

RIN: 3150–AB89

3896. CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

Legal Authority: 42 USC 2021

CFR Citation: 10 CFR 62

Legal Deadline: None

Abstract: The proposed rule would establish procedures and criteria for fulfilling NRC's responsibilities associated with action on requests by low-level radioactive waste generators, or State officials on behalf of those generators, for emergency access to operating non-Federal or regional low level radioactive waste disposal facilities under Section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA). Section 6 of the LLRWPAA authorizes the NRC to grant emergency access to any non-Federal low-level waste disposal facility, if necessary, to eliminate the immediate and serious threat to the public health and safety of the common defense and security, provided the threat cannot be mitigated by any alternative.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47578
NPRM Comment Period End	02/12/88	52 FR 47578
Final Action	11/15/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Janet Lambert, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3857**

RIN: 3150–AC24

3897. SAFEGUARDS REQUIREMENTS FOR FUEL FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2167; 41 USC 2201; 42 USC 5841; 42 USC 5844

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: In a staff requirements memorandum dated June 8, 1987, the Commission directed the staff to publish a proposed rule within 120 days that would implement improved safeguards requirements based on the findings of a review team that compared DOE and NRC safeguards programs (SECY 87-28; CNSI). Primary focus is in the following areas: (1) security system performance evaluations, (2) night firing qualifications for guards, (3) 100 percent entrance searches, (4) armed guards at material access area control points, (5) two protected area fences, and (6) revision of the design basis threat.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	52 FR 49418
NPRM Comment Period End	03/30/88	52 FR 49418
Final Action	10/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office

of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC62

3898. ● RESTRICTIONS AGAINST OWNERSHIP OF CERTAIN SECURITY INTERESTS BY MEMBERS OF ADVISORY COMMITTEE ON NUCLEAR WASTE; GIFTS, ENTERTAINMENT, AND FAVORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 0

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is amending its regulations governing the ownership by NRC employees of stocks, bonds, and other security interests in companies that fall within any one of five reactor-related or fuel cycle-licensed categories. This amendment will add to the group of affected employees those special Government employees who serve as members of the Advisory Committee on Nuclear Waste. The Commission is also amending its regulations on acceptance of gifts, entertainment, and favors to permit acceptance of travel expenses from an otherwise prohibited source when proffered in connection with a job interview and to permit acceptance of food and refreshments at widely-attended events sponsored by certain groups whose membership is composed of prohibited sources.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Susan Fonner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1632**

RIN: 3150–AC92

3899. ● RELOCATION OF NRC'S PUBLIC DOCUMENT ROOM; OTHER MINOR NOMENCLATURE CHANGES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 7; 10 CFR 9; 10 CFR 15; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 30; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 53; 10 CFR 55; ...

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is amending its regulations to indicate that its Public Document Room has moved to a new location in the District of Columbia. The hours remain unchanged: 7:45 a.m. to 4:15 p.m. weekdays. These amendments are being made to inform NRC licensees and members of the public of this relocation. This rule also makes minor changes in NRC organization nomenclature to reflect new internal organizational titles.

Timetable:

Action	Date	FR Cite
Final Action	09/00/88	
Final Action Effective	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-7211**

RIN: 3150–AC89

3900. ● REVISION OF FEE SCHEDULE

Legal Authority: 31 USC 9701; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: The proposed rule would revise the fees charged for licensing services provided by the NRC and charged to persons who operate nuclear power reactors. The proposed amendments would (1) remove fee ceilings, increase the amount charged for a license application, and revise the flat fees set out in part 170; (2) revise the hourly rate for NRC professional time spent providing various regulatory services; (3) increase the ceiling on annual charges; (4) add a deadline for filing exemptions to 10 CFR 171.11; and (5) include monies from the Department of Energy High-Level Waste Fund. Because the proposed regulation is necessary to implement the most recent fee legislation enacted by Congress, there is no suitable alternative to rulemaking for these actions. All applicants and licensees that are currently subject to fees collections under the current regulations would be affected by the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24077
NPRM Comment Period End	07/27/88	
Final Action	10/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC, **301 492-7351**

RIN: 3150–AC80

3901. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F. 2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 revises the EAJA, and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AA01

3902. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by licensees. In addition, Part 21 requires reporting by non-licensees. This proposed amendment was prompted by TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and section 50.55 (e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) consistent threshold for safety defect reporting in Part 21 and section 50.55(e); (3) establishment of consistent and uniform content of reporting under Part 21 and section 50.55 (e) and (4) establishment of time limits within which a defect must be evaluated and reported.

Approximately 500 reports are submitted to the Commission annually under Part 21. Approximately 1500 reports are submitted to the Commission annually under section 50.55 (e). These reports identify both plant-specific and generic safety concerns for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC information notices and bulletins. (cont)

Timetable:

Action	Date	FR Cite
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking approach which were considered, varied from establishment of a single rule for all reporting of safety defects and operating reactors events to maintaining status quo for defect reporting. All alternatives were rejected since they would not substantially improve the current safety defect reporting situation.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $10.43 million annually for industry and 1.08 million annually for NRC evaluations. It is anticipated that the industry reporting burden should be reduced by $1.6 million; while NRC burden should remain the same. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for reporting and record keeping.

The Commission disapproved this proposed rule on 10/20/86 and provided direction to the staff to revise the proposed rulemaking.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of, Operational Data, Washington, DC 20555, **301 492-4442**

RIN: 3150–AA68

3903. INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 02

Legal Deadline: None

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53, which has been deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20089
NPRM Comment Period End	08/28/87	52 FR 27821
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AB83

3904. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice that is no longer being reflected accurately by the existing rule,

and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss-of-coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416
Final Action	02/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

A detailed analysis of costs, benefits, and occupational exposures is available in the NRC Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3945**

RIN: 3150–AA86

3905. DEGREE REQUIREMENT FOR SENIOR OPERATORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 55

Legal Deadline: None

Abstract: The Commission is considering an amendment to its regulations to require that applicants for a senior operator license of a nuclear power plant hold a baccalaureate degree in engineering or physical science from an accredited institution four years after date of this rule. Other baccalaureate degrees from an accredited institution may be accepted on a case-by-case basis. This contemplated rulemaking action is due to a Commission decision to levels of engineering and accident management expertise on shift. enhance the levels of engineering and accident management expertise on shift.

The Commission will also issue policy statement concurrently with this rule related to utility implementation of an accredited degree program for reactor operators.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/86	51 FR 19561
ANPRM Comment Period End	09/29/86	
NPRM	09/30/88	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3794**

RIN: 3150–AC26

3906. EQUIVALENT CONTROL CAPACITY FOR STANDBY LIQUID CONTROL SYSTEMS (SLCS)

Legal Authority: 42 USC 2136

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would clarify the Commission's regulations pertaining to boiling water reactors (BWR). The current regulations require that all boiling water reactors must have a standby liquid control system (SLCS) with a minimum flow capacity and boron content equivalent in control capacity to 86 gallons per minute (gpm) of 13 weight percent of sodium pentaborate solution. In January 1985, a generic letter was issued to all appropriate licensees that provided clarification of the phrase "equivalent in control capacity" contained in section 50.62 (c) (4). This letter provided the basis for the flow and weight percent of sodium pentaborate decahydrate requirements and described how equivalency could be achieved for smaller plants. The NRC staff considers the contents of the generic letter to be technically correct and desired that this position be established in the regulations.

This proposed rule would clarify a Commission regulation; thus no other procedure is appropriate. The technical proposals in the rule were analyzed for safety as part of the original rulemaking procedure, although they were not specifically mentioned. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	
Final Action	12/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This rule will not adversely affect the health and safety of the public.

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC72

3907. ● EMERGENCY PLANNING AND PREPAREDNESS REQUIREMENTS FOR NUCLEAR POWER PLANT FUEL LOADING AND INITIAL LOW-POWER OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes to amend its regulations to establish more clearly what emergency planning and preparedness requirements are needed for fuel loading and low-power operation of nuclear power plants, current rules provide for a finding prior to fuel loading and low-power on the licensee's plans and state of preparedness for dealing with accidents that could affect persons onsite. Current rules also provide that no finding regarding the planning or preparedness of offsite agencies for dealing with accidents that could affect persons offsite is required at this stage. The Commission is not proposing to change these aspects of the current rules. However, practice under the current rule has been to consider also, as part of review of licensees' plans, certain offsite elements of those plans that seem unnecessary for low-power operation in view of the low degree of risk posed to offsite persons by fuel loading and low-power operation (up to 5 percent of rated power). It is the purpose of this proposed rulemaking to

consider whether this practice should be discontinued or modified. Specifically, the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/09/88	53 FR 16435
NPRM Comment Period End	06/23/88	53 FR 19930
Final Action	10/03/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Commission is considering amending Section 50.47(d) to include, as prerequisites for low-power operation, seven standards with offsite aspects that are believed to be appropriate for fuel loading and low-power operation. The capability for prompt notification of the surrounding populace (as distinct from the capacity to keep offsite emergency planning agencies informed promptly of plant accidents) is not included in the rule as a requirement for fuel loading and low-power operations. Nothing in this proposed rule is intended to change the emergency planning standards that must be satisfied before operations are at full power.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC, **301 492-3918**

RIN: 3150–AC86

3908. TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The proposed rule amends Section 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule regarding revision of Section 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	02/26/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Defense Council, et al. v. NRC, No. 7401486) in the U.S. Circuit Court of Appeals (D.C. Circuit) decision of April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983.

The proposed rule to provide a narrative explanation for Table S-3 has been revised to reflect new developments and the passage of time while the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been extended to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

The staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99 and the revised narrative explanation will be completed in 1989.

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AA31

3909. EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 4842; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 52

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering adding a new part to its regulations to improve the reactor licensing process. The proposed rule would provide for the issuance of early site permits, standard design certifications, and combine construction permits and conditional operating licenses for nuclear power reactors. These procedural reforms are intended to improve the quality, effectiveness, and efficiency of nuclear power plant licensing without detracting from protection of the public health and safety or the public's ability to participate in the licensing process. They are designed to implement as much of the Commission's proposed "Nuclear Power Plant Standardization and Licensing Act of 1987" as is permissible under its existing statutory authority. The proposed legislation is based on an earlier proposal that was developed by the Commission's Regulatory Reform Task Force. If licensing reform legislation is ultimately enacted, the rules can be modified to implement that legislation fully.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	12/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This proposed rule is currently before the Commission.

Agency Contact: Steven Crockett, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-6100**

RIN: 3150–AC61

3910. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The final rule will revise the Extraordinary Nuclear Occurrence (ENO) criteria to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking since the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1 staff year of NRC time will be required to process the final rule. No contract funding is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	50 FR 13978
Final Action	01/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3738**

RIN: 3150–AB01

3911. ● FACILITY FORM NUCLEAR LIABILITY INSURANCE POLICY; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would amend its regulations to make several minor changes in the Facility Form nuclear liability insurance policy furnished as evidence of financial protection. The two nuclear insurance pools have submitted endorsements to the Facility Form policy that make available a single insurance policy to cover onsite worker claims. This new Master Worker Policy reflects different rating and underwriting treatment than is utilized in the Facility Form policy. The supplementary insurance provided by the new policy enhances protection to the public since payments under its provisions for routine claims by onsite nuclear workers will not reduce the financial protection for the public under the primary and secondary nuclear liability insurance policies provided as evidence of financial protection under the Price-Anderson Act.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	53 FR 15049
NPRM Comment Period End	05/27/88	53 FR 15049

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ira Dinitz, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1289**

RIN: 3150–AC82

3912. NEGOTIATED RULEMAKING ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 2; 10 CFR 60

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high level waste licensing proceeding. This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn all parties would have access to the data base.

Resource estimates currently under development.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Francis Cameron, Nuclear Regulatory Commission, Office of General Counsel, Washington, DC 20555, **301 492-1623**

RIN: 3150–AC44

3913. ● MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002; 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The Safeguards Interoffice Review Group (SIRG) of the NRC has been conducting a systematic review of the agency's safeguards regulations and guidance documents. This review has identified areas in the regulations that are out of date, susceptible to differing interpretations, or in need of clarification. In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would (1) limit the use of the 100 rems per hour at 3 feet dose exemption to a reduction of no more than one physical protection category and not allow a drop below the lowest category, (2) add definitions for common terms not currently defined by frequent use, (3) delete action dates that no longer apply, (4) correct outdated terms and

cross references, (5) clarify wording that is susceptible to differing interpretations, (6) correct typographical errors, and (7) make other minor changes. (cont)

Timetable:

Action	Date	FR Cite
Final Action	04/04/89	
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The alternative to rulemaking would be to allow the status quo to continue. Except for the change in the impact of a high radiation field on physical protection requirements, these minor amendments affect the public, industry, and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. Limiting the use of the 100 rem per hour at 3 feet dose exemption to a reduction of no more than one physical protection category, and not allowing a drop below the lowest category, could affect two non-power reactor licensees. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AC96

3914. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be an estimated industry-wide economic savings of approximately $3million to $12 million per year if such a rule (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	02/16/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: were promulgated.

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3638**

RIN: 3150–AC14

3915. STORAGE OF SPENT NUCLEAR FUEL IN NRC APPROVED CASKS AT CIVILIAN NUCLEAR POWER REACTOR SITES

Legal Authority: 42 USC 10153; 42 USC 10198

CFR Citation: 10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) section 218 (a) which states in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector, for dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the Commission may, by rule, approve for use at sites of civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this proposed rule would be timely. NRC resource requirements are anticipated to be about two staff years.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Interim Final Rule	07/21/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC76

3916. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: This rulemaking would establish NRC's sole authority for approving onsite disposal of low-level waste at all NRC licensed reactors and at Part 70 fuel cycle facilities. There is a need to amend section 150.15 to authorize one agency (NRC) to regulate all onsite disposal of low-level waste in order to provide a more comprehensive regulatory review of all onsite waste management activities and to avoid unnecessary duplication of effort. Uniform review by the NRC will provide for greater assurance that the radioactive material will not present a health hazard at a later date after the site is decommissioned.

NRC **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Stewart, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3618**

RIN: 3150–AC57

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

3917. REVISION TO EX PARTE AND SEPARATION OF FUNCTIONS RULES APPLICABLE TO FORMAL ADJUDICATORY PROCEEDINGS

Legal Authority: 5 USC 554 (d); 5 USC 557(d)

CFR Citation: 10 CFR 0; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings by updating the agency's rules of practice and incorporating requirements imposed by the Government in the Sunshine Act. Changes are proposed in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials in maintaining effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This proposed rule supersedes a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non Adjudicatory Functions," (3150-AA00) published March 7, 1979 (44 FR 12428).

Timetable:

Action	Date	FR Cite
NPRM	03/26/86	51 FR 10393
NPRM Comment Period End	06/26/86	51 FR 19067
Final Action	03/31/88	53 FR 10360
Final Action Effective	04/29/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150–AC18

3918. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is amending its regulations to establish a definite retention period for each record that an NRC application or licensee for a materials or facility license is required to maintain. This action is necessary to comply with the Office of Management and Budget requirement that a specific retention period be identified for each record. The final rule also establishes a uniform standard acceptable to the NRC for the condition of a record throughout each specified retention period. This action is expected to reduce the overall recordkeeping burden for NRC applicants and licensees by use of uniform and specific retention periods for each recordkeeping requirement.

Timetable:

Action	Date	FR Cite
Final Action	05/27/88	53 FR 19240
Final Action Effective	07/26/88	53 FR 19240

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Brenda Jo. Shelton, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-8132**

RIN: 3150–AB43

3919. GENERAL REQUIREMENTS FOR DECOMMISSIONING NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Legal Deadline: Final, Statutory, July 27, 1988.
Part C, Part U (proposed)

Abstract: The Nuclear Regulatory Commission is amending its regulations to set forth technical and financial criteria for decommissioning licensed nuclear facilities. The amended regulations address decommissioning planning needs, timing, funding methods, and environmental review requirements. The intent of the amendments is to assure that decommissioning of all licensed facilities will be accomplished in a safe and timely manner and that adequate licensee funds will be available for this purpose. The final rule also contains a response to a petition for rulemaking (PRM-50-22), concerning decommissioning financial assurance initially filed by the Public Interest Research Group (PIRG), et al., on July 5, 1977.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period End	07/12/85	50 FR 23025
Final Action	06/27/88	53 FR 24018
Final Action Effective	07/27/88	53 FR 24018

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Keith G. Steyer/Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear

Regulatory Research, Washington, DC 20555, **301 492-3824**

RIN: 3150–AA40

3920. CONTROL OF AEROSOLS AND GASES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The proposed rule is in response to PRM-35-6 which requests that the Commission remove the requirements in Part 35 that radioactive aerosols be administered in rooms that are at negative pressure relative to surrounding rooms. The petitioner states that the imposition of the negative room pressure requirement could have an adverse impact on the delivery of health care to certain patients with pulmonary disease and that this requirement is unnecessary to protect workers and public health and safety. The staff agrees and has developed a proposed rule change to remove the negative room pressure requirement for aerosols.

Timetable:

Action	Date	FR Cite
Final Action	07/22/88	53 FR 27665
Final Action Effective	08/22/88	53 FR 27665

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Alan Roecklein, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3740**

RIN: 3150–AC60

3921. BACKFIT REQUIREMENT FOR SENIOR OPERATORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has revised its regulations concerning the backfitting of nuclear power plants. This rulemaking action is necessary to bring the existing backfitting rule into unambiguous conformance with the decision of the United States Court of Appeals for the District of Columbia in the Union of Concerned Scientist, et al. v. U.S. Nuclear Regulatory Commission (Nos. 85-1757 and 86-1219 (August 4, 1987)). The rulemaking is intended to clarify when economic factors may be considered in making a decision as to whether a backfit requirement is imposed on a nuclear power plant.

Timetable:

Action	Date	FR Cite
Final Action	06/06/88	53 FR 20603
Final Action Effective	07/06/88	53 FR 20603

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Steven F. Crockett, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1600**

RIN: 3150–AC63

3922. ● REVISION OF TELEPHONE NUMBERS FOR ENVIRONMENTAL INQUIRIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The final rule will amend the NRC's regulations to indicate the revision of five telephone numbers that will enable prospective applicants or petitioners to consult with members of the NRC's staff. These amendments are required because of the assignment of new telephone numbers in conjunction with the recent consolidation of approximately one-half of the NRC's headquarters staff to its new location in Rockville, Maryland. These amendments are being made to inform NRC licensees and members of the public of the new telephone numbers.

Timetable:

Action	Date	FR Cite
Final Action	04/25/88	53 FR 13399
Final Action Effective	04/25/88	53 FR 13399

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration and Resources Management, Washington, DC 20555, **301 492-7211**

RIN: 3150–AC97

3923. ● ADDRESSES FOR PERSONAL DELIVERY OF COMMUNICATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 001; 10 CFR 110; 10 CFR 171

Legal Deadline: None

Abstract: The final rule will amend the NRC's regulations to indicate an additional address for the personal delivery of communications. This action is being taken because of the relocation of the NRC's Commission-level offices to the agency's new headquarters office building in Rockville, Maryland. The amendments will inform NRC licensees and members of the public of the new addresses.

Timetable:

Action	Date	FR Cite
Final Action	05/19/88	53 FR 17915
Final Action Effective	05/19/88	53 FR 17915

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC, **301 492-7211**

RIN: 3150–AC84

3924. ● ACCESS AUTHORIZATION FEE SCHEDULE FOR LICENSEE PERSONNEL

Legal Authority: 31 USC 9071; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 11; 10 CFR 25

Legal Deadline: None

Abstract: The final rule amends the Commission's regulation to revise the fees charged for background investigations of licensee personnel who require access to National Security Information and Restricted Data and access to control over special nuclear material. The revision is needed to comply with current regulations which state that NRC will publish fee adjustments concurrent with notification of any changes in the rate charged the NRC by the Office of

Personnel Management for conducting the investigations.

Timetable:

Action	Date	FR Cite
Final Action	06/13/88	53 FR 21979
Final Action Effective	06/13/88	53 FR 21979

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Duane G. Kidd, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-4124**

RIN: 3150–AC85

3925. ●+IMPLEMENTATION OF THE USE OF SF-86, "QUESTIONNAIRE FOR SENSITIVE POSITIONS"

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 2273; 42 USC 5841

CFR Citation: 10 CFR 11; 10 CFR 25

Legal Deadline: None

Abstract: The final rule will change the forms required to request an NRC personnel security clearance or material access authorization for NRC licensees and others when an Office of Personnel Management (OPM) background investigation is necessary.

The final amendments are necessary because as of September 16, 1988, OPM will accept only the Standard Form (SF) 86, "Questionnaire for Sensitive Positions" as the basis for their background investigations. The exception to the use of SF-86 held by NRC (for use of the NRC Form-1, "Personnel Security Questionnaire") is being discontinued. Therefore, there is no reasonable alternative to rulemaking. This rule will have a negligible effect on the general public. NRC resources required for processing this rule through final publication are estimated to be 120 staff hours.

Timetable:

Action	Date	FR Cite
Final Action	08/16/88	53 FR 30829
Final Action Effective	09/15/88	53 FR 30829

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Cynthia G. Harbaugh, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC 20555, **301 492-4128**

RIN: 3150–AC90

3926. ● REVISION OF FEE SCHEDULE: INTERIM RULE

Legal Authority: 42 USC 2201(w); 42 USC 5841

CFR Citation: 10 CFR 171

Legal Deadline: None

Abstract: The interim final rule amends the Commission's regulations concerning the annual charges for licensed power reactors, on an interim basis, for the 1988 Fiscal Year. The interim rule raises the ceiling on the collection of annual fees to an amount that will approximate, but not be less than, 45 percent of the Commission's budget. This action is necessary to provide for the timely collection of fees as required by recently enacted legislation. The increase of 12 percent will be apportioned among the licensed power reactors in the same manner as under the current fee schedule regulations.

Timetable:

Action	Date	FR Cite
Final Action	08/12/88	53 FR 32403
Final Action Effective	09/12/88	53 FR 32403

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lee Hiller, Nuclear Regulatory Commission, Office of Administration and Resources, Management, Washington, DC, **301 492-7351**

RIN: 3150–AC95

3927. STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The NRC is amending its regulations to require that light water cooled nuclear power plants be capable of withstanding a total loss of alternating current (AC) electrical power, called station blackout, for a specified duration and maintaining reactor core cooling during that period. This requirement is based on information developed under the Commission's study of Unresolved Safety Issue A-44, "Station Blackout." The amendment is intended to provide further assurance that a loss of both offsite power and onsite emergency AC power systems will not adversely affect the public health and safety.

Timetable:

Action	Date	FR Cite
Final Action	06/21/88	53 FR 23203
Final Action Effective	07/21/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Alan Rubin/A.W. Serkiz, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-8303**

RIN: 3150–AB38

3928. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The final rule will incorporate by reference the Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1983 Addenda, Summer 1984 Addenda, Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section XI, Division 1 of the ASME Code. A limitation is placed on the use of paragraph IWB-3640 as contained in the Winter 1983 Addenda and Winter 1984 Addenda of Section XI, Division 1. This limitation requires that for certain types of welds, IWB-3640 be used as modified by the Winter 1985 Addenda. This amendment recognizes certain improvements made to Section XI in the area of class 2 piping examinations. The sections of the ASME Code being incorporated provide rules for the construction of light-water-cooled nuclear power plant components and specify requirements for inservice

inspection of those components. This final rule will permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24015
NPRM Comment Period End	08/25/87	52 FR 24015
Final Action	05/05/88	53 FR 16051
Final Action Effective	05/05/88	53 FR 16051

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3872**

RIN: 3150–AC29

3929. RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule would have established residual radioactive contamination limits (including induced and other volumetric radioactivity as well as removable and fixed surface contamination) which must be met before structures and lands can be released for unrestrictive use. Structures and lands with residual radioactive contamination below these limits would be eligible for release without regulatory restrictions from a radioactivity standpoint.

The issue in this proposed rule will be incorporated into a policy statement. The policy statement is scheduled to be released October 1988.

Timetable:

Action	Date	FR Cite
Withdrawn	04/06/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Stan Neuder, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3737**

RIN: 3150–AC21

3930. DIAGNOSTIC MISADMINISTRATION REPORT FORM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The final rule amends the regulations governing the medical use of byproduct material to specify the form that is to be used by NRC medical licensees to report diagnostic misadministrations. The rule is intended to inform licensees that the form contemplated in the revision to these regulations (see the Federal Register of October 16, 1986; 51 FR 36932) has been developed and is now available for use.

Timetable:

Action	Date	FR Cite
Final Action	06/09/88	53 FR 21627
Final Action Effective	06/09/88	53 FR 21627

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Materials Safety and, Safeguards, Washington, DC 20555, **301 492-3417**

RIN: 3150–AC69

3931. ● CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda and 1987 Addenda to the 1986 Edition of Section III, Division 1, and Section XI, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division 1.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission.

This action will be handled as a routine updating of (cont)

Timetable:

Action	Date	FR Cite
Final Action	05/05/88	53 FR 16051
NPRM	05/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Section 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is schedule for a period of 7.5 months with an estimated staff effort of 400 p-hrs. This is a priority A rulemaking.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3872**

RIN: 3150–AC93

[FR Doc. 88-20689 Filed 10-21-88; 8:45 am]

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federal register

Monday
October 24, 1988

Part LVII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6794, 34-26011, 35-24702, 39-2178, IC-16531, IA-1137; File No. S7-18-88]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 88-15. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by December 31, 1988.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-18-88, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Office of Economic Analysis, Securities and Exchange Commission, 450 5th Street, NW., Room 9200, Stop 9-1, Washington, DC 20549 (202-272-7100). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981 within ten years of that date and for the review of all rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was approved by the Commission on March 1, 1988.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis. The Commission's entries to the October 1988 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries as well as items carried over from the April 1988 publication. New entries are marked with a bullet. Copies of this preamble and a list of the entries (which includes next action dates and identifies a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The agenda also is available for inspection and copying in the Public Reference Room (Room 1026) (File S7-18-88), as noted above.

The Commission invites public comment on the individual entries in its regulatory agenda.

Dated: August 19, 1988.

By the Commission.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3932	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties..	3235-AB45
3933	17 CFR 229 Report of Management's Responsibilities	3235-AD29
3934	17 CFR 210 Request for timely review of quarterly financial information	3235-AD31
3935	17 CFR 240. 3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6757 (April 25, 1988) [53 FR 14714].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3936	17 CFR 240. 17Ad-8 Rule 17Ad-8 of the Securities Exchange Act	3235-AC29
3937	17 CFR 240. 15c2-10 Rule 15c2-10	3235-AC94
3938	17 CFR 12d3-1 Proposed Amendments to Rule 12d3-1 under the Investment Company Act of 1940	3235-AD19
3939	17 CFR 270.36a-1 Proposed Rule 36a-1 under the Investment Company Act the ("ICA")	3235-AD33
3940	17 CFR 275.203(b)(1) -1 Exemption from Registration Under the Advisers Act for certain Smaller Investment Advisers	3235-AD38

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3941	17 CFR 229 Amendments to Regulation S-K Regarding changes in Accountants; Acceleration of the timing for filing forms 8-K relating to changes in Accountants and Resignations of Directors	3235-AD30
3942	17 CFR 210 Technical Amendments to Regulation S-X	3235-AD32
3943	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
3944	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
3945	00 CFR Not yet determined Rulemaking for Operational Edgar System	3235-AC48
3946	17 CFR 230. Rule 153 Definition of preceded by a prospectus as used in Section 5(b)(2) in relation to certain transactions	3235-AC61
3947	17 CFR 210 Facilitation of Multinational Securities Offerings	3235-AC64
3948	17 CFR 230.144A Proposed Rule for Limited Resales of Securities	3235-AC65
3949	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
3950	17 CFR 270.3a-7 Two-Tier Real Estate Companies	3235-AC84
3951	17 CFR 270.17f-5 Rule 17f-5 under the Investment Company Act of 1940	3235-AC85
3952	17 CFR 229.303 Management's Discussion and Analysis of Financial Condition and Operations	3235-AD03
3953	17 CFR 230.144 Section 16(a) Compliance	3235-AD04
3954	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
3955	17 CFR 230.134 Communications not Deemed a Prospectus	3235-AD22
3956	17 CFR 240 Disclosure of Block Repurchases by an Issue or Affiliate	3235-AD25
3957	17 CFR 240.10b-21 Proposed Rule 10b-21 of the Securities Exchange Act of 1934 - Short Sales in Connection with a Public Offering	3235-AC95
3958	17 CFR 240.14a Shareholder Lists	3235-AD41
3959	17 CFR 240.14a-102 Disclosure of Significant Equity Participants in Control Transactions	3235-AD42
3960	17 CFR 230.112 Lock-Box Rules	3235-AD43
3961	17 CFR 801. Rule 801	3235-AD44
3962	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
3963	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11c-1 Under the Investment Company Act	3235-AA14
3964	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
3965	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
3966	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
3967	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
3968	17 CFR 275.206 (3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
3969	17 CFR 270.3a-6 Proposed Rule 3a-6 under the Investment Company Act(the "ICA")	3235-AC03
3970	17 CFR 275.206 (4)-1 Advertising by Investment Advisers	3235-AC09
3971	17 CFR 270.12b-1 Proposed amendments to Rules 12b-1 and 17d-3 under the Investment Company Act of 1940, and to item 7 of Form N-1A under the Securities Act of 1933	3235-AC11
3972	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
3973	17 CFR 270. 12d3-2 Proposed Rule 12d3-2under the Investment Company Act	3235-AC36
3974	00 CFR Not yet determined Advertising by Unit Investment Trusts	3235-AC70
3975	17 CFR 270.6c-10 Proposed Rule 6c-10 under the Investment Company Act of 1940	3235-AD18
3976	17 CFR 230.139a Information that Broker-Dealers may Disseminate about Investment Companies	3235-AD20
3977	17 CFR 275. Revisions to the registration and the annual supplement forms used by Investment Advisers	3235-AD21
3978	17 CFR 239.17a Variable Annuity Fee Table	3235-AD36
3979	17 CFR 250.17 Diversification by Exempt Holding Companies	3235-AD39

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3980	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
3981	17 CFR 240.13e-2 Acquisitions of Substantial Amounts of Securities and Related Activities during and following a Tender Offer for those Securities	3235-AA50
3982	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
3983	17 CFR 230.433 Prospectus delivery requirements in firm commitment underwritten offerings of securities made for cash (Rule 433)	3235-AC80
3984	17 CFR 240.12b-25 Reporting Requirements for Change in Fiscal Year End	3235-AD05
3985	17 CFR 230.901-906 Regulation S - Rules governing offers and Sales made outside the United States without Registration under the Securities Act of 1933	3235-AD23
3986	17 CFR 230.465 Automatically Effective Post -Effective Amendments for Acquisitions by Certain limited Partnerships	3235-AD24
3987	17 CFR 240.15a-6 Exemption of certain foreign brokers or dealers	3235-AD27
3988	17 CFR 215. Regulation D	3235-AD45
3989	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
3990	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
3991	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
3992	17 CFR 270.24f-3 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
3993	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
3994	17 CFR 274.11A N-1A Technical Amendments	3235-AC25
3995	17 CFR 270.17f-6 Custody of Investment Company Assets with Registered Futures Commission Merchants	3235-AD34
3996	17 CFR 270.17f-1 Forms for Filings by accountants	3235-AD37

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3997	17 CFR 210 Request for Comments on "Opinion Shopping"	3235-AC02
3998	17 CFR 210 Proposed Additions to Rules and Guide for Disclosures concerning Reserves for Unpaid Claims and Claim Adjustment Expenses of Property - Casualty Underwriters	3235-AC44
3999	17 CFR 240.14a-1 Facilitating Shareholder Communications	3235-AC81
4000	17 CFR 230.701 Rules 701, 702, 703 and Form 701	3235-AC82
4001	17 CFR 230.501 Regulation D	3235-AC83
4002	17 CFR 240.14a-1 Facilitating Shareholder Communications	3235-AD07
4003	17 CFR 229.401 Elimination of Filing Requirements for Preliminary Proxy Material Under Certain Circumstances; Rule 14a-8 Shareholder Proposals	3235-AD08
4004	17 CFR 200.81 Publication of Interpretative and No-Action Letters and Other Written Communications	3235-AD10
4005	17 CFR 240.19c-4 Voting Rights Listing Standards - Disenfranchisement Rule, Rule 19c-4	3235-AD28
4006	17 CFR 240.15Bc7-1 Rule 15Bc7-1 of the Securities Exchange Act of 1934 ("Exchange Act")	3235-AD51
4007	17 CFR 240.17a-5 Rule 17a-5 of the Securities Exchange Act of 1934	3235-AD52
4008	17 CFR 239.18 Form S-11, For Registration under the Securities Act of 1933 of Securities of Certain Real Estate Companies	3235-AD40
4009	17 CFR 230.174 Rule 174 Amendment - Prospectus Delivery During Quiet Period	3235-AC34
4010	17 CFR 275.204-2(a) Revision of Certain Investment Adviser Recordkeeping Rules	3235-AC97
4011	17 CFR 270.10f-2 Rule 10f-2 Under the Investment Company Act of 1940-- "Exercise of warrants or rights received on portfolio."	3235-AD26
4012	17 CFR 270.19a-1 Rule 19a-1 Under the Investment Company Act of 1940-- "Written statement to accompany dividend payments by management companies."	3235-AD35
4013	17 CFR 270.19b-1 Rule 19b-1 Under the Investment Company Act of 1940 -- "Frequently of distribution of capital gains."	3235-AD46
4014	17 CFR 270.23c-2 Rule 23c - 2 Under the Investment Company Act of 1940 -- "Call and redemption of securities issued by registered closed-end companies	3235-AD47
4015	17 CFR 270.24e-1 Rule 24e-1 Under the Investment Company Act of 1940--"Filing of certain prospectus as post-effective amendments to registration statements under the Securities Act of 1933"	3235-AD48
4016	17 CFR 270.24b-1 Rules 24b-1, 24b-2, and 24b-3 Under the Investment Company Act of 1940, rules relating to the filing of sales literature with the Commission to comply with Section 24(b) of the Act	3235-AD49
4017	17 CFR 270.24e-2 Rule 24e-2 Under the Investment Company Act of 1940-- "Computation of Fee."	3235-AD50

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

Accounting Rules

3932. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a (25); 15 USC 77a (26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jeffrey Jones, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB45

3933. ● REPORT OF MANAGEMENT'S RESPONSIBILITIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77i; 15 USC 77s(a); 15 USC 77aa (25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 240; 17 CFR 249; 17 CFR 270; 17 CFR 274

Legal Deadline: None

Abstract: The Commission has proposed rules to require registrants to include a report of management's responsibilities in Forms 10-K and N-SAR and annual reports to security holders. The management report would contain a description or statement of management's responsibilities for the preparation of the registrant's financial statements and other financial information and for establishing and maintaining a system of internal control directly related to financial reporting, with management's assessment of the effectiveness of the registrant's internal control system.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/88	
Final Action	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD29

3934. ● REQUEST FOR TIMELY REVIEW OF QUARTERLY FINANCIAL INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210; 17 CFR 229

Legal Deadline: None

Abstract: The Commission has stated that if intents to issue a concept release soliciting comments on the costs and benefits of requiring independent public accountants to review quarterly financial data of all public companies before it is released to the public. The staff is preparing such a release.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack C. Parsons, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD31

Securities Markets and Securities Industry Rules

3935. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240. 3a12-10; 17 CFR 230.180

Legal Deadline: None

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous staff position.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th

Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235–AC16

3936. RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 17b; 15 USC 78g-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240. 17Ad-8

Legal Deadline: None

Abstract: Rule 17Ad-8 requires a registered clearing agency, at the request of an issuer, to provide the issuer with a "securities position listing." A securities position listing is a list of the clearing agency's participants on whose behalf the clearing agency holds the issuer's securities as well as participants' positions as of a specified date. The Rule further provides that the clearing agency may charge a reasonable fee for providing the list.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-2782

RIN: 3235–AC29

3937. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78k-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a)

CFR Citation: 17 CFR 240. 15c2-10

Legal Deadline: None

Abstract: The Division of Market Regulation is preparing a draft release that would solicit comment on a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	10/30/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William M. Harter, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2414

RIN: 3235–AC94

Investment Management Rules

3938. PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 12d3-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose amendments to Rule 12d3-1 under the Investment Company Act of 1940, which provides exemptive relief from the Act's prohibition against investment company acquisitions of securities issued by persons engaged in certain securities-related businesses. If adopted, the proposed amendments would expand the exemptive relief provided by the rule to permit, under certain conditions, investment companies to acquire equity securities issued by persons organized outside the United States that are engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2048

RIN: 3235–AD19

3939. ● PROPOSED RULE 36A-1 UNDER THE INVESTMENT COMPANY ACT THE ("ICA")

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.36a-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would require non-resident directors of registered management investment companies to designate a resident agent for service of process in any action before the Commission or in any appropriate court of the United States with respect to any action arising under the provisions of the securities acts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AD33

3940. ● EXEMPTION FROM REGISTRATION UNDER THE ADVISERS ACT FOR CERTAIN SMALLER INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6A

CFR Citation: 17 CFR 275.203(b)(1) -1; 17 CFR 275.203(b)(3) -2

Legal Deadline: None

Abstract: Commission staff have been considering draft rule proposals to exempt smaller investment advisers from most federal adviser regulation, other than the antifraud provisions, if the advisers are registered in all states in which they do business. The purpose of the exemptions would be to place primary regulatory responsibility for certain smaller investment advisers with states that actively regulate advisers. The draft rule proposals, which include both an interstate and an intrastate exemption, would determine eligibility for the exemptions by reference to the size of the adviser's business; whether the adviser has custody of client funds or securities; and whether the adviser is registered as an adviser in the state or states in which it does business. The draft rule proposals are expected to have a significant impact on a substantial

SEC — Prerule Stage

number of small entities. Since the draft rule proposals are still in a developmental stage and have not yet been proposed by the Commission, any attendant costs are unknown. However, they are expected to be slight, if any, due to

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT (con't) the deregulatory nature of the draft proposals.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD38

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

3941. ● AMENDMENTS TO REGULATION S-K REGARDING CHANGES IN ACCOUNTANTS; ACCELERATION OF THE TIMING FOR FILING FORMS 8-K RELATING TO CHANGES IN ACCOUNTANTS AND RESIGNATIONS OF DIRECTORS

Legal Authority: 15 USC 77f; 15 USC 77G; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o(d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 249

Legal Deadline: None

Abstract: The Commission has proposed rules to reduce the time period for a registrant to file a Form S-K announcing a change in its certifying accountant or the resignation of a director from fifteen to five calendar days. It has also proposed amendments to Regulation S-K relating to a change in a registrant's certifying accountant to (1) reduce the time period from thirty to ten calendar days for the filing of the former accountant's letter as an exhibit to the report or registration statement announcing the change in accountants (2) require the registrant to file any such letter within two days of receipt, and (3) permit the former accountant to provide an interim letter to the registrant, which must also be filled by the registrant within two days of receipt.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12948
NPRM Comment Period End	10/30/88	53 FR 12948
Final Action	12/31/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Riley, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD30

3942. ● TECHNICAL AMENDMENTS TO REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79 (c) (b); 15 USC 79n; 15 USC 79 (t)a; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to Regulation S-X to conform that regulation to recently adopted changes in generally accepted accounting principles and generally accepted auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Teresa Iannaconi, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD32

Disclosure Rules

3943. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 240.12h-2

Legal Deadline: None

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission believes that

these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, DC 20549, 202 272-2589

RIN: 3235–AB14

3944. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None

Abstract: The Commission will consider whether to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission staff is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees, particularly where they already have access to much of the required information under ERISA. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AB79

3945. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rulemaking encompasses the changes necessary to mandate and accommodate electronic filing in the operational Edgar system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	
NPRM	11/30/88	
NPRM Comment Period End	01/31/89	
Final Action	04/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sarah A. Miller, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AC48

3946. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230.

Legal Deadline: None

Abstract: The prospectus delivery requirement for certain transactions effectuated on a national securities exchange may be satisfied by delivery to the exchange. The Commission will consider whether this procedure should be available for certain transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Reynolds, Special Counsel, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AC61

3947. FACILITATION OF MULTINATIONAL SECURITIES OFFERINGS

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: In order to facilitate simultaneous multinational securities offerings among, initially, the United States, Canada and the United Kingdom, appropriate criteria are being sought to reconcile differences in disclosure standards, financial statement requirements and distribution systems. The Commission issued a concept release in February 1985 addressing numerous regulatory issues raised by multinational offerings. At that time, the Commission published for comment two conceptual approaches to facilitating such offerings--a "common prospectus" approach and a "reciprocal" approach. The Commission's staff is currently in the process of developing the reciprocal prospectus approach, which involves reciprocal recognition and use of home country disclosure documents. It is likely that initially the proposal will focus on debt offerings of certain issuers, limited rights offerings and exchange offers.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/85	50 FR 9281
ANPRM Comment Period End	07/15/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Wolff, Special Counsel, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AC64

3948. PROPOSED RULE FOR LIMITED RESALES OF SECURITIES

Legal Authority: 15 USC 77d (1); 15 USC 77d (3); 15 USC 77s(a)

CFR Citation: 17 CFR 230.144A

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission publish for comment two alternative versions of proposed new rule that would provide a safe harbor exemption from the registration requirements of the Securities Act of 1933 for resales of securities to institutional investors if certain conditions are met. The first version would require that the issuer of such securities be a reporting company, while the second version would be available for resales of securities, of reporting or non-reporting companies, if certain conditions are met.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Wolff, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AC65

3949. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None

Abstract: Other appropriate criteria are being sought to establish the threshold level for companies to enter into the Securities Exchange Act of 1934 reporting system, which would complement or be substituted for the present size criteria of 500 shareholders and total assets of $5 million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	
NPRM	11/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AC66

3950. TWO-TIER REAL ESTATE COMPANIES

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.3a-7; 17 CFR 270.6c-11

Legal Deadline: None

Abstract: The regulation will be designed to codify numerous exemptions from the provisions of the Investment Company Act of 1940 ("Act") granted to two-tier real estate limited partnerships. Exemptions from the Act pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation will reduce the number of exemptive relief applications received by the Office of Investment Company Regulation requesting exemptions for two-tier real estate limited partnerships.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC84

3951. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None

Abstract: Rule 17f-5 permits U.S. registered Investment Companies to maintain certain Securities and other assets in the custody of an "Eligible Foreign Custodian," as that term is defined in the rule. In response to comments that the present definition of Eligible Foreign Custodian and other provisions of the rule are too restrictive, the Commission is considering whether to propose amendments to the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC85

SEC

Proposed Rule Stage

3952. MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND OPERATIONS

Legal Authority: 15 USC 78w(a)

CFR Citation: 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission has solicited public comment on issues relating to Management's Discussion and Analysis of Financial Condition and Operations as required by Item 303 of Regulation S-K. This requirement is the subject of recommendations from members of the accounting profession calling for a more specific approach to requiring disclosure of business risks and uncertainties, as well as additional board of director scrutiny and independent auditor association with these disclosures. The Commission will review comments received to determine whether future rulemaking is appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 13715
ANPRM Comment Period End	06/23/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2589

RIN: 3235–AD03

3953. SECTION 16(A) COMPLIANCE

Legal Authority: 15 USC 78p

CFR Citation: 17 CFR 230.144; 17 CFR 239.300; 17 CFR 240.16a-1; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 249.308a; 17 CFR 249.310

Legal Deadline: None

Abstract: The Commission has perceived substantial non-compliance with Section 16(a) of the Securities Exchange Act of 1934. To address the problem, the Commission is considering proposing rules to insure that required information is disclosed, either by the reporting person or the registered companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th St., N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD04

3954. REGULATION 13D-G

Significance: Agency Priority

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2

Legal Deadline: None

Abstract: The Commission will consider proposing revisions of Regulation 13D-G to close certain disclosure gaps, to make the disclosure more meaningful and to broaden the pool of persons allowed to use the short-form beneficial ownership report on Schedule 13G so as to lessen the costs and burdens of compliance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD09

3955. COMMUNICATIONS NOT DEEMED A PROSPECTUS

Legal Authority: 15 USC 77b; 15 USC 77s

CFR Citation: 17 CFR 230.134

Legal Deadline: None

Abstract: The Commission will consider proposing amendments to Rule 134 of the Commission's rules and regulations under the Securities Act of 1933 that would permit direct participation programs such as state limited partnerships to include additional information in their Rule 134 tombstone advertisements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William E. Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AD22

3956. DISCLOSURE OF BLOCK REPURCHASES BY AN ISSUE OR AFFILIATE

Legal Authority: 15 USC 78m; 15 USC 78w(a)

CFR Citation: 17 CFR 240; 17 CFR 249

Legal Deadline: None

Abstract: The staff is developing proposals to require either pre - or post transactional disclosure of issuer or affiliate repurchases of securities of the issuer over a certain threshold percentage. The staff has yet to determine the appropriate percentage level.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sarah Miller, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD25

Securities Markets and Securities Industry Rules

3957. PROPOSED RULE 10B-21 OF THE SECURITIES EXCHANGE ACT OF 1934 - SHORT SALES IN CONNECTION WITH A PUBLIC OFFERING

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i(a)(6); 15 USC 78j(a); 15 USC 78j(b); 15 USC 78o(c); 15 USC 78w(a); 15 USC 78dd(a)

CFR Citation: 17 CFR 240.10b-21

Legal Deadline: None

Abstract: Proposed Rule 10b-21 would prohibit a person who effects short sales of an equity security during the period between the filing of a registration statement relating to the same class of equity securities and the commencement of the public offering of such equity securities from covering such short sales with securities purchased from an underwriter or broker or dealer participating in the public offering of such equity securities. The proposed rule is designed to prevent manipulative short selling by market participants in anticipation of underwritten public offerings.

Timetable:

Action	Date	FR Cite
NPRM	05/20/87	52 FR 102
NPRM Comment Period End	07/27/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, **202 272-2880**

RIN: 3235–AC95

3958. ● SHAREHOLDER LISTS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a; 17 CFR 240.14d

Legal Deadline: None

Abstract: The Commission staff is developing proposals to amend the proxy and tender offer rules to give a security holder the right, under specified circumstances, to obtain a list of the names, addresses and securities positions of certain of the registrant's shareholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barbara J. Green, Attorney Fellow, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2509**

RIN: 3235–AD41

3959. ● DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.14a-102; 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would require disclosure of a person with a significant equity interest in an entity affecting a control transaction.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Baltz, Special Counsel, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3097**

RIN: 3235–AD42

3960. ● LOCK-BOX RULES

Legal Authority: 15 USC 77s(a); 15 USC 78w(a)

CFR Citation: 17 CFR 230.112; 17 CFR 240.

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would address procedures regarding payment of fees to the lock-boxes designated at 17 CFR 202.3a with respect to 1933 Act filings and 1934 Act change of control transactional filings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne M. Krauskopf, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2573**

RIN: 3235–AD43

3961. ● RULE 801

Significance: Agency Priority

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 801.

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings to the existing securityholders of non-reporting issuers.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Johnathan Gottlieb, Attorney Fellow, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235–AD44

Investment Management Rules

3962. AMENDMENT TO RULE 180 – EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Legal Deadline: None

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N. W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA08

3963. PROPOSED RULES 11A-3 AND 11C-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11c-1

Legal Deadline: None

Abstract: The proposed rules would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section prohibits any registered open-end investment company and its principal underwriter from making an offer to a shareholder to exchange his security for another security on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms have been submitted to and approved by the Commission or comply with rules the Commission may prescribe. Section 11(c) states in part that the terms of any offer of exchange involving the securities of registered unit investment trusts must also be submitted to and approved by the Commission or comply with rules the Commission may prescribe. Proposed rule 11a-3 would permit a mutual fund or its principal underwriter to make certain exchange offers to its own shareholders or to shareholders of another fund in the same family of funds. Proposed rule 11c-1 would permit a unit investment trust or its sponsor to make certain exchange offers to unit holders of the same series or another series of the same trust or to unit holders of another unit investment trust

Timetable:

Action	Date	FR Cite
NPRM	12/23/86	51 FR 47260
NPRM Comment Period End	03/31/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: having the same sponsor. By codifying standards for a variety of exchanges, these proposed rules are intended to significantly reduce the number of exemptive applications filed with the Commission under Section 11.

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA14

3964. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Extended Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: **Brian P. Kindelan,** Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235–AA44

3965. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Legal Deadline: None

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The Commission is also considering whether to amend Rule 12 j-1 to define specified acts as fraudulent, deceptive or manipulative or to require certain minimum standards to be set forth on a company's code of ethics. (con't)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Ann P. Glickman,** Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-3042**

RIN: 3235–AA68

3966. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: **Dorothy M. Donohue,** Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-7317**

RIN: 3235–AA69

3967. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are

sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Debra J. Kertzman, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AB40

3968. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206 (3)-3

Legal Deadline: None

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AB74

3969. PROPOSED RULE 3A-6 UNDER THE INVESTMENT COMPANY ACT(THE "ICA")

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-6

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to limited purpose finance subsidiaries that own or hold mortgage-backed securities. This would obviate the necessity of these subsidiaries filing applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC03

3970. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6 (4)

CFR Citation: 17 CFR 275.206 (4)-1

Legal Deadline: None

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2098

RIN: 3235–AC09

SEC

Proposed Rule Stage

3971. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940, AND TO ITEM 7 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-12(b); 15 USC 80a-17(d); 15 USC 80a-39; 15 USC 77a, et seq.

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for comment amendments to Rule 12b-1 under the Investment Company Act to redefine the Circumstances under which investment companies may finance distribution of fund assets. The Commission has also proposed amendments to Rule 17d-3 to allow affiliated investment companies to jointly finance distribution activities under certain conditions. Finally, the Commission has proposed amendments to Form N-1A which would require an additional disclosure to be made regarding the amount of payments under distribution plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2048**

RIN: 3235–AC11

3972. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a); 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.10f-3

Legal Deadline: None

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/86	51 FR 4386
ANPRM Comment Period End	04/07/86	51 FR 4386

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3042**

RIN: 3235–AC28

3973. PROPOSED RULE 12D3-2UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270. 12d3-2

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian Kindelan, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235–AC36

3974. ADVERTISING BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Currently unit investment trusts advertise their performance by means of an "estimated current return" which shows estimated cash flow. However, because there is no uniform method of computing the estimated current return, they cannot be compared by prospective investors. This rulemaking project will endeavor to create such a uniform method. A uniform method of computation will permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Diane C. Blizzard, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2107**

RIN: 3235–AC70

3975. PROPOSED RULE 6C-10 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22(c); 15 USC 80a-37; 15 USC 80a-39

CFR Citation: 17 CFR 270.6c-10

Legal Deadline: None

Abstract: The Commission will consider whether to propose rule 6c-10 under the act to allow Investment Companies to charge deferred sales loads including contingent deferred sales loads under certain conditions. These actions would eliminate the need for Investment Companies to file applications for exemptive relief to impose deferred loads.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Proposed rule 6c-10 was formerly included with the proposed amendments to rules 12b-1 and 17d-3 under the Investment Company Act. Proposed rule 6c-10 has been split from that entry to comprise a separate item on the agenda.

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2048

RIN: 3235–AD18

3976. INFORMATION THAT BROKER-DEALERS MAY DISSEMINATE ABOUT INVESTMENT COMPANIES

Legal Authority: 15 USC 775(a)

CFR Citation: 17 CFR 230.139a

Legal Deadline: None

Abstract: The Commission is considering proposing a rule that would provide a safe harbor under Section 5 of the Securities Act of 1933 for certain broker-dealer publications that contain information about investment companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD20

3977. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11; 15 USC 80b-1

CFR Citation: 17 CFR 275.; 17 CFR 279.

Legal Deadline: None

Abstract: The Commission is considering a proposal that would revise the Amendment and updating requirements and procedures for an advisers registration form and annual report. The Commission would propose such revisions in order to facilitate the review of investment adviser registration forms and resolve certain administrative difficulties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD21

3978. ● VARIABLE ANNUITY FEE TABLE

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 80a-8(b); 15 USC 80a-37a

CFR Citation: 17 CFR 239.17a; 17 CFR 274.11b; 17 CFR 239.17b; 17 CFR 274.11c; 17 CFR 239.15A; 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is proposing to consolidate the expense data in a tabular presentation near the front of variable annuity prospectuses. The proposal is intended to improve the quality of expense disclosure in variable annuity prospectuses. The Commission is also eliminating a similar fee table requirement for management investment companies offering shares exclusively to separate accounts issuing variable annuity contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	
Final Action	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John McGuire, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD36

3979. ● DIVERSIFICATION BY EXEMPT HOLDING COMPANIES

Legal Authority: 15 USC 79c(a)(1); 15 USC 79t(a)

CFR Citation: 17 CFR 250.17; 17 CFR 250.2; 17 CFR 259.402

Legal Deadline: None

Abstract: Proposed Rule 17 clarifies under what conditions diversification into non-utility enterprises would not be deemed detrimental to the public interest or the interest of investors or consumers within the meaning of the "unless and except" clause of S3(a)(1) of the Public Utility Holding Company Act of 1935. The rule would provide two alternative "safe harbors". A companion proposed amendment to rule 2 under the Act would require after three years from the proposal date, claims of exemption under rule 2, in order to be effective, would require that the claimant meet one of the safe harbor provisions of rule 17. Also proposed is an amendment to Form U-3A-2, the statement filed annually by holding companies claiming exemptions under rule 2, that would request information necessary to determine whether a rule 2 claim of exemption by an intrastate holding company was meritorious in light of the requirement added to rule 2. These proposals could significantly increase regulatory compliance costs for those intrastate public utility holding companies that have operations,or that intend to do so. The proposals could require such a company to forego acquisition of an unrelated non-utility

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT (con't) interest or to divest such an interest previously acquired; or alternatively, to seek enactment by the legislature in its states of organization of a unified comprehensive utility holding company statute that addresses diversification activities.

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street,

SEC

Proposed Rule Stage

N.W., Washington, D.C. 20549, 202 272-7683

RIN: 3235–AD39

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

3980. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB15

Disclosure Rules

3981. ACQUISITIONS OF SUBSTANTIAL AMOUNTS OF SECURITIES AND RELATED ACTIVITIES DURING AND FOLLOWING A TENDER OFFER FOR THOSE SECURITIES

Legal Authority: 15 USC 78c(b); 15 USC 78m(e); 15 USC 78n(d); 15 USC 78w(a); 15 USC 78o(c); 15 USC 78t(b)

CFR Citation: 17 CFR 240.13e-2; 17 CFR 240.14d-11

Legal Deadline: None

Abstract: The Commission is proposing Rules 13e-2 and 14d-11 that would require that, subject to certain exceptions, purchases, offers to purchase, arrangements or understandings to purchase and solicitations of offers to sell securities undertaken during and shortly after a tender offer that would increase any person's ownership of the class of securities subject to the tender offer by 10% or more of the class be made in compliance with the statutory provisions and rules applicable to tender offers. The proposed rules would apply to all persons from the formal commencement of a tender offer until 10 business days after the scheduled expiration date. A proposed rule, also, would subject a bidder to the same requirements from the time it commenced a tender offer by public announcement until it either formally commenced a tender offer by some other means or 30 business days after it made a subsequent public announcement (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/31/86	51 FR 28096
ANPRM Comment Period End	12/01/86	
NPRM	10/01/87	52 FR 37492
NPRM Comment Period End	12/07/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:stating that it had determined not to continue with the tender offer.

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, DC 20549, 202 272-3097

RIN: 3235–AA50

3982. INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to its rules that would require accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

SEC **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	52 FR 11665
NPRM Comment Period End	09/01/87	52 FR 11665
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Robert Burns**, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235–AC79

3983. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT UNDERWRITTEN OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b (10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433

Legal Deadline: None

Abstract: The Commission proposed two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would permit, if all conditions of the rule are satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale is sent to an investor in such an offering.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29206
NPRM Comment Period End	10/05/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: **Sarah A. Miller**, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AC80

3984. REPORTING REQUIREMENTS FOR CHANGE IN FISCAL YEAR END

Legal Authority: 15 USC 77g; 15 USC 77s(a); 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 80a-8; 15 USC 80a-29; 15 USC 80a-37

CFR Citation: 17 CFR 240.12b-25; 17 CFR 240.13a-10; 17 CFR 240.13a-13; 17 CFR 240.14a-3; 17 CFR 240.15d-10; 17 CFR 240.15d-13; 17 CFR 249.308; 17 CFR 249.310; 17 CFR 249.308a; 17 CFR 249.322; 17 CFR 210.3-12; 17 CFR 270.8b-16; 17 CFR 270. 30b1-2; 17 CFR 274.101

Legal Deadline: None

Abstract: The Commission is proposing amendments to Regulations 13A and 15D under the Securities Exchange Act of 1934 that would revise the reporting and filing requirements for an issuer that changes its fiscal year end and for a successor issuer with a different fiscal year end from its predecessor. The Commission also is proposing amendments to Form 8-K to require reporting of a change in fiscal year and a new Rule 30b1-3 under the Investment Company Act of 1940 to govern the reporting requirements for investment companies that change their fiscal year end. The proposed amendments are intended to update and clarify the requirements for companies that change their fiscal year end. In addition, the Commission is proposing a new account accounting Rule 3-06 and other amendments to the accounting and proxy rules relating to financial reporting. Amendments to the quarterly reporting rules are proposed to modify the period covered in a new registrant's first quarterly report.

Timetable:

Action	Date	FR Cite
NPRM	06/02/88	53 FR 21670
NPRM Comment Period End	08/08/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **Barbara J. Green**, Attorney Fellow, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AD05

3985. REGULATION S - RULES GOVERNING OFFERS AND SALES MADE OUTSIDE THE UNITED STATES WITHOUT REGISTRATION UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b; 15 USC 77d; 15 USC 77s

CFR Citation: 17 CFR 230.901-906

Legal Deadline: None

Abstract: The extraterritorial reach of Section 5 of the Securities Act of 1933 has become of critical importance with the development of major markets abroad and the growth of transnational investment. As a result of these developments, the Commission has published for comment proposed Regulations intended to clarify the extraterritorial application of the registration provisions of the Securities Act of 1933. The Regulation would provide generally that any offer or sale that occurs outside the United States is not subject to Section 5.

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 53226
NPRM Comment Period End	09/15/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **Samuel Wolff**, Special Counsel, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3246**

RIN: 3235–AD23

3986. AUTOMATICALLY EFFECTIVE POST -EFFECTIVE AMENDMENTS FOR ACQUISITIONS BY CERTAIN LIMITED PARTNERSHIPS

Significance: Agency Priority

Legal Authority: 15 USC 77b(c); 15 USC 77s; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77o

CFR Citation: 17 CFR 230.465; 17 CFR 230.424; 17 CFR 229.424; 17 CFR 229.801(c); 17 CFR 230.406

Legal Deadline: None

Abstract: The Commission is proposing for comment two alternative forms of a new Rule 465 that would provide for the automatic effectiveness of post-

SEC

Final Rule Stage

effective amendments filed by limited partnerships during the distribution period, provided that such amendments relate to significant acquisitions and contain required financial statements, financial information and textual information.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 26718
NPRM Comment Period End	09/12/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Sarah Miller, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD24

3987. ● EXEMPTION OF CERTAIN FOREIGN BROKERS OR DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78c; 15 USC 78j; 15 USC 78o; 15 USC 78q; 15 USC 78w; 15 USC 78dd

CFR Citation: 17 CFR 240.15a-6

Legal Deadline: None

Abstract: Proposed Rule 15a-6 is the Commission's response to the cross-border activities of foreign broker-dealer registration requirements. The proposed rule would exempt from these requirements foreign entities that engage in securities transactions with certain non-U.S. persons, or with specified U.S. institutional investors under certain limited conditions. The staff believes that this alternative is superior to relying on the interpretive process, since the internationalization of the world's securities markets has increased greatly the number of requests for interpretive advice received by the staff. The Commission believes that, to the extent that the proposed rule, if adopted, would impose any costs on registered broker-dealer affiliates of eligible foreign broker-dealers of have a competitive effect on other domestic broker-dealers, those costs are not significant and would not impact on a substantial number of small domestic broker-dealers; also, the exemption under the rule would be limited to foreign broker-dealers, which need not be considered under 5 USC 603.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 23645
NPRM Comment Period End	09/15/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Polanin, Jr., Attorney, Office of ChiefCounsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street N.W., Mail Stop 5-1, Washington, D.C. 20549, 202 272-2848

RIN: 3235–AD27

Securities Markets and Securities Industry Rules

3988. ● REGULATION D

Significance: Agency Priority

Legal Authority: 15 USC 77b (15); 15 USC 77c(b); 15 USC 77d (2); 15 USC 77s

CFR Citation: 17 CFR 215.; 17 CFR 501.; 50 CFR 502.; 17 CFR 507.; 17 CFR 508.

Legal Deadline: None

Abstract: The Commission is proposing revisions to Regulation D that would add certain governmental employee benefit plans to the lists of accredited investors. Certain conditions to the Regulation D exemptions would be eliminated. A disqualification provision would preclude the future use of Regulation D by issuers found to have violated the filing requirements of the Regulation. Finally, insignificant deviations from the technical requirements of the Regulation would not cause the loss of the Regulation D exemption if there had been a good faith and reasonable attempt to comply with the Regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/10/88	53 FR 7870
NPRM Comment Period End	05/13/88	
Final Action	11/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: John Reynolds, Special Counsel, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AD45

Investment Management Rules

3989. PROPOSED RULE 3A-4 – INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	45 FR 69479

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

SEC

Final Rule Stage

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA12

3990. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Legal Deadline: None

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235–AA16

3991. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission reproposed for public comment Form N-7, a new form for registering unit investment trusts("VITS") and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would (i) codify the disclosure requirements for VITS into one form; (ii) codify the disclosure standards that have been developed for VITS; and (iii) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. As reproposed, a one-part prospectus originally proposed, but the prospectus would retain a series specific part and a generic part. The requirement for audited financial statements would be eliminated under certain circumstances. The requirement that registrants include certain third party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust under the reproposal.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	
NPRM Comment Period End	12/31/87	50 FR 21282

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235–AA47

3992. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-3

Legal Deadline: None

Abstract: On March 9, 1987, the Commission published for public comment a new rule 24f-3 under the Investment Company Act of 1940 that would simplify filing requirements under section 24(f) of the Investment Company Act by allowing a unit investment trust to register an indefinite number of securities solely for secondary market purposes and to pay no registration fee on secondary market sales. The Commission is considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	
Final Action	12/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC10

3993. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s) (a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: The Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933 on March 14, 1986. The amendments would, if adopted, permit certain investment companies to use in their statutory and omitting prospectuses security ratings assigned by a

nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO'S consent to being named pursuant to Section 7 of the Securities Act. The Commission is now considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/16/86	51 FR 9838

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC24

3994. N-1A TECHNICAL AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering several modifications to Form N-1A including: reducing the number of copies to be filed with the Commission; conforming the language of Form N-1A with Forms N-3 and N-4; and clarifying many of the current disclosure requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John McGuire, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth street, N. W., Washington, DC 20549, 202 272-2107

RIN: 3235–AC25

3995. ● CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The Division of Investment Management is considering recommending rulemaking to permit registered investment companies to maintain initial margin and excess variation margin in the custody of certain futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth T. Tsai, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2031

RIN: 3235–AD34

3996. ● FORMS FOR FILINGS BY ACCOUNTANTS

Legal Authority: 15 USC 80a-17(f); 15 USC 80b-6

CFR Citation: 17 CFR 270.17f-1; 17 CFR 270.17f-2; 17 CFR 270.206 (4)-2

Legal Deadline: None

Abstract: The Commission is proposing three new forms to serve as cover sheets to examination certificates filed by accountants in compliance with rules 17f-1(b)(4) and 17f-2(f) under the Investment Company Act of 1940 and rule 206(4)-2(a)(5) under the Investment Advisers Act of 1940. These forms, and related rule amendments, are intended to ensure that examination certificates are properly filed and thus easily accessible. Because the forms are only cover sheets for documents currently required to be filed, there would be no significant cost or burden for compliance.

Timetable:

Action	Date	FR Cite
NPRM	07/20/88	
Final Action	10/00/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John McGuire, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD37

SECURITIES AND EXCHANGE COMMISSION (SEC) Completed Actions

3997. REQUEST FOR COMMENTS ON "OPINION SHOPPING"

CFR Citation: 17 CFR 210; 17 CFR 249

Completed:

Reason	Date	FR Cite
Final Action	04/12/88	53 FR 12924
Final Action Effective	05/20/88	53 FR 12924

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Burns 202 272-2130

RIN: 3235–AC02

3998. PROPOSED ADDITIONS TO RULES AND GUIDE FOR DISCLOSURES CONCERNING RESERVES FOR UNPAID CLAIMS AND CLAIM ADJUSTMENT EXPENSES OF PROPERTY - CASUALTY UNDERWRITERS

CFR Citation: 17 CFR 210

SEC

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	07/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jeffrey C. Jones 202 272-2130

RIN: 3235–AC44

3999. FACILITATING SHAREHOLDER COMMUNICATIONS

CFR Citation: 17 CFR 240.14a-1; 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-7

Completed:

Reason	Date	FR Cite
Final Action	04/27/88	53 FR 16399
Final Action Effective	09/01/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235–AC81

4000. RULES 701, 702, 703 AND FORM 701

CFR Citation: 17 CFR 230.701; 17 CFR 230.702; 17 CFR 230.703; 17 CFR 239.701

Completed:

Reason	Date	FR Cite
Final Action	04/14/88	53 FR 12918
Final Action Effective	05/20/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: John Reynolds 202 272-2644

RIN: 3235–AC82

4001. REGULATION D

Significance: Agency Priority

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506

Completed:

Reason	Date	FR Cite
Final Action	03/10/88	53 FR 7866
Final Action Effective	04/11/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: John Reynolds 202 272-2644

RIN: 3235–AC83

4002. FACILITATING SHAREHOLDER COMMUNICATIONS

CFR Citation: 17 CFR 240.14a-1; 17 CFR 240.14a-13; 17 CFR 240.14b-1; 17 CFR 240.14b-2; 17 CFR 240.14c-1; 17 CFR 240.14c-7

Completed:

Reason	Date	FR Cite
Final Action	04/27/88	53 FR 16399

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235–AD07

4003. ELIMINATION OF FILING REQUIREMENTS FOR PRELIMINARY PROXY MATERIAL UNDER CERTAIN CIRCUMSTANCES; RULE 14A-8 SHAREHOLDER PROPOSALS

CFR Citation: 17 CFR 229.401; 17 CFR 240.14a-3; 17 CFR 240.14a-6; 17 CFR 240.14a-8; 17 CFR 240.14a-101; 17 CFR 240.14c-3; 17 CFR 240.14c-5; 17 CFR 240.14c-101; 17 CFR 270.20a-1

Completed:

Reason	Date	FR Cite
Final Action	12/21/87	52 FR 48977
Final Action Effective	02/01/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Barbara J. Green 202 272-2589

RIN: 3235–AD08

4004. PUBLICATION OF INTERPRETATIVE AND NO-ACTION LETTERS AND OTHER WRITTEN COMMUNICATIONS

CFR Citation: 17 CFR 200.81

Completed:

Reason	Date	FR Cite
Final Action	04/07/88	53 FR 12412

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael G. Hyatte 202 272-2573

RIN: 3235–AD10

4005. ● VOTING RIGHTS LISTING STANDARDS - DISENFRANCHISEMENT RULE, RULE 19C-4

Significance: Agency Priority

Legal Authority: 15 USC 78s (c); 15 USC 78n (a); 15 USC 78n (b); 15 USC 78f (6) (5); 15 USC 78o-3 (b) (6); 15 USC 78k-1

CFR Citation: 17 CFR 240.19c-4

Legal Deadline: None

Abstract: Rule 19c-4 is the Commission's response to the disenfranchisement and existing shareholders as a result of corporate action which would have the effect of nullifying, restricting or disparately reducing the per share voting rights of the existing shareholders. Such a diminution on limitation of voting rights is inconsistent with the investor protection and fair corporate suffrage policies embodied in Sections 6(b)(5), 15A(b)(6) and 14 of the Securities Exchange Act of 1934. Rule 19c-4 will enhance investor protection by preventing shareholders from being disenfranchised of their voting rights. The Rule is not intended to prohibit the adoption of disparate voting plans; it is only intended to prevent adoption of such plans under circumstances that would disenfranchise existing shareholders. The Commission beiieves the costs of such a limitation do not outweigh the benefits derived from protecting shareholders from potential disenfranchisement. Under the Rule a range of capital raising techniques will still be available to issuers, no issuer will be denied the ability to raise additional equity capital.

Timetable:

Action	Date	FR Cite
NPRM	06/24/87	52 FR 23665
NPRM Comment Period End	07/15/87	
Final Action Approved by the Commission	07/07/88	53 FR 26376

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon Itkin, Attorney, Branch of Exchange Regulation, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street N.W., Mail Stop 5-1, Washington, D.C. 20549, 202 272-2451

RIN: 3235–AD28

4006. ● RULE 15BC7-1 OF THE SECURITIES EXCHANGE ACT OF 1934 ("EXCHANGE ACT")

Legal Authority: 15 USC 78o-4; 15 USC 78q; 15 USC 78w(a)

CFR Citation: 17 CFR 240.15Bc7-1

Legal Deadline: None

Abstract: Rule 15Bc7-1 requires the Commission to make available to the Municipal Securities Rulemaking Board (MSRB)copies of any report of examination of a municipal securities dealer made by the Commission or furnished to it by an appropriate regulatory agency or registered securities association (i.e., the NASD). Because compliance with MSRB rules is enforced by appropriate regulatory agencies and the NASD, rather than the MSRB, the rule is intended to ensure that the MSRB has access to relevant information about compliance with its rules. The rule contains certain safeguards to maintain the confidentiality of the information made available to the MSRB.

Timetable:

Action	Date	FR Cite
Final Action	07/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Beth E. Mastro, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N. W., Washington, D. C. 20549, 202 272-2857

RIN: 3235–AD51

4007. ● RULE 17A-5 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78q; 15 USC 78w; 15 USC 78o

CFR Citation: 17 CFR 240.17a-5

Legal Deadline: None

Abstract: Section 17(a)(1) of the Securities Exchange Act of 1934, 15 U.S.C. s78q, provides that the securities and Exchange Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by broker-dealers. Under that section, the Commission has adopted Rule 17a-5, which is the basic reporting rule for broker-dealers. It requires the filing of Form X-17A-5, the Financial and Operational Combined Uniform Single ("FOCUS")Report and other necessary information. The FOCUS Report was designed to eliminate all of the overlapping regulatory reports required by various self-regulatory groups and the Commission and to reduce reporting burdens as much as possible. Rule 17a-5 should be continued without change.

Timetable:

Action	Date	FR Cite
Final Action	07/25/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Arvind K. Lal, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N. W., Washington, D. C. 20549, 202 272-2762

RIN: 3235–AD52

4008. ● FORM S-11, FOR REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF SECURITIES OF CERTAIN REAL ESTATE COMPANIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77s

CFR Citation: 17 CFR 239.18

Legal Deadline: None

Abstract: Form S-11 is to be used for registration under the Securities Act of 1933 of Securities issued by real estate investment trusts or issuers whose business is primarily that of acquiring and holding for investment real estate or interests in other issuers whose business is primarily that of acquiring and holding real estate or interests in real estate for investment.

Timetable:

Action	Date	FR Cite
End Review	07/27/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2589

RIN: 3235–AD40

4009. RULE 174 AMENDMENT - PROSPECTUS DELIVERY DURING QUIET PERIOD

CFR Citation: 17 CFR 230.174

Completed:

Reason	Date	FR Cite
Final Action	04/11/88	53 FR 11841
Final Action Effective	04/11/88	53 FR 11841

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larisa Dobriansky 202 272-2589

RIN: 3235–AC34

4010. REVISION OF CERTAIN INVESTMENT ADVISER RECORDKEEPING RULES

CFR Citation: 17 CFR 275.204-2(a); 17 CFR 275.204-2(e)

Completed:

Reason	Date	FR Cite
Final Action	07/28/88	53 FR 32033
Final Action Effective	07/28/88	52 FR 23287

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Dorothy M. Donohue 202 272-2107

RIN: 3235–AC97

4011. ● RULE 10F-2 UNDER THE INVESTMENT COMPANY ACT OF 1940– "EXERCISE OF WARRANTS OR RIGHTS RECEIVED ON PORTFOLIO."

Legal Authority: 15 USC 80a-10

CFR Citation: 17 CFR 270.10f-2

Legal Deadline: None

Abstract: Section 10(f) of the Investment Company Act prohibits a registered investment company from purchasing securities during the existence of an underwriting or selling syndicated in such securities, if any principal underwriting or selling syndicate in such securities, if any principal underwriter of the issue is an officer or a director or is otherwise affiliated with the investment company. An exception is provided in the case of issues as to which the investment company is itself a principal underwriter and the Commission is authorized to grant further exemptions by rule or order. Rule 10f-2 exempts from Section 10(f) the purchase of securities pursuant to the exercises of warrants or rights provided they were offered or granted on the same basis to all stockholders and they do not exceed 5% of the total amount of warrants or rights issued.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	
Begin Review	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD26

4012. ● RULE 19A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940– "WRITTEN STATEMENT TO ACCOMPANY DIVIDEND PAYMENTS BY MANAGEMENT COMPANIES."

Legal Authority: 15 USC 80a-19(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.19a-1

Legal Deadline: None

Abstract: Section 19 of the Investment Company Act of 1940 makes it unlawful for any registered investment company to pay any dividend, or to make any distribution in the nature of a dividend payment, wholly or partly from any source other than (1) such company's accumulated undistributed net income, determined in accordance with good accounting practice and not including profits or losses realized from the sale of securities or other properties, or (2) such company's net income so determined for the current or preceding fiscal year, unless such payment is accompanied by a written statement adequately disclosing the source or sources of such payment. The Commission is empowered under Section 19 to prescribe the form of such written statement. The rule specifies the information which must be included in the statement.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	
Begin Review	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD35

4013. ● RULE 19B-1 UNDER THE INVESTMENT COMPANY ACT OF 1940 – "FREQUENTLY OF DISTRIBUTION OF CAPITAL GAINS."

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-19(a) and (b); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.19b-1

Legal Deadline: None

Abstract: Section 19(b) of the Investment Company Act of 1940 ("Act") was added by the Investment Company Amendments Act of 1970, Public Law 91-547 ("1970 Act") [84 Stat. 1422], effective December 14, 1971, to make it unlawful, in contravention of such rules as the Commission may adopt, for any registered investment company to distribute long-term capital gains more often than once every twelve months. The section was added to relieve managers from pressure to realize such gains on a frequent and regular basis, mitigate improper sales practices related to the distribution of such gains, and eliminate the administrative expenses attending quarterly or semi-annual capital gains distributions. Rule 19b-1 implements Section 19(b) by limiting distribution with respect to the long-term capital gains realized by the company during any one taxable year, with certain exceptions.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	
Begin Review	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD46

4014. ● RULE 23C - 2 UNDER THE INVESTMENT COMPANY ACT OF 1940 – "CALL AND REDEMPTION OF SECURITIES ISSUED BY REGISTERED CLOSED-END COMPANIES

Legal Authority: 15 USC 80a-23; 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.23c-2

Legal Deadline: None

Abstract: Section 23(c) of the Investment Company Act of 1940 makes it unlawful for any registered closed-end investment company to purchase any securities of any class of which it is the issuer except under certain enumerated circumstances or under such other circumstances as the Commission may permit by rules and regulations or orders. The Commission adopted Rule 23c-2 to permit a registered closed-end company to call or redeem securities of which it is the issuer and to specify the conditions under which it may do so.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	
Begin Review	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N. W., Washington, D. C. 20549, 202 272-2762

RIN: 3235–AD47

4015. ● RULE 24E-1 UNDER THE INVESTMENT COMPANY ACT OF 1940–"FILING OF CERTAIN PROSPECTUS AS POST-EFFECTIVE AMENDMENTS TO REGISTRATION STATEMENTS UNDER THE SECURITIES ACT OF 1933"

Legal Authority: 15 USC 80q-24

CFR Citation: 17 CFR 270.24e-1

Legal Deadline: None

Abstract: Section 24(e)(3) of the Investment Company Act of 1940 ("Act"), which was added by Public Law No. 577, 83rd, Congress, requires requires that a prospectus relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management investment company or unit investment trust "which varies for the purposes of subsection (a)(3) of Section 10 of the Securities Act of 1933 from the latest prospectus filed as a part of the registration statement" must be requirements of Section 10 of the 1933 Act, except to the extent the Commission otherwise provides by rules and regulations. Some questions arose as to the scope of the above quoted language of Section 24(e)(3). The Commission believes that this language refers to a prospectus which is prepared for the purpose of providing more current information, in compliance with that Section because the information therein is no longer sufficiently current to meet the statutory requirements; however,

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	
Begin Review	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: the Commission adopted Rule 24(e)(3) does not require the filing of every changed prospectus as a post-effective amendment to the registration statement.

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N. W., Washington, D. C., 202 272-2762

RIN: 3235–AD48

4016. ● RULES 24B-1, 24B-2, AND 24B-3 UNDER THE INVESTMENT COMPANY ACT OF 1940, RULES RELATING TO THE FILING OF SALES LITERATURE WITH THE COMMISSION TO COMPLY WITH SECTION 24(B) OF THE ACT

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.24b-1; 17 CFR 270.24b-2; 17 CFR 270.24b-3

Legal Deadline: None

Abstract: Rule 24b-1 was adopted to clarify certain terms used in Section 24(b) of the Investment Company Act of 1940. Rule 24b-2 was adopted to identify documents filed to comply comply with Section 24(b). Before its adoption, investment companies tended to forward a variety of documents without properly indicating the purpose for which they were filing such materials. Rule 24b-3 was adopted to relieve investment companies which file their sales literature and ads with the National Association of Securities Dealers of their obligation to file the same materials with the Commission. Most investment company sales literature originates from firms which belong to the NASD. NASD members must file sales literature, including investment company sales literature, for NASD review under the NASD Rules of Fair Practice. The NASD reviews each piece of sales literature it receives for compliance with its rules and the Commission's rules.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N. W., Washington, D. C. 20549, 202 272-2762

RIN: 3235–AD49

4017. ● RULE 24E-2 UNDER THE INVESTMENT COMPANY ACT OF 1940– "COMPUTATION OF FEE."

Legal Authority: 15 USC 80a-24; 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.24e-2

Legal Deadline: None

Abstract: Section 24(e)(1) of the Investment Company Act of 1940 ("Act"), provides that registration statements under the Securities Act of 1933 (15 U.S.C. 77a-77aa) ("1933 Act") relating to securities of certain investment companies, including open-end management companies, may be amended after their effective dates so as to increase the securities specified therein as proposed to be offered. Most open-end management companies offer their shares on a continuous basis, and almost all of those companies making such a continuous offering use the procedure permitted by Section 24(e)(1) of the Act to increase, from time to time, the number of registered shares being offered. Rule 24e-2 provides an optional method for calculation of registration fees by open-end investment companies registering additional shares by requiring fees only for those shares being registered in excess of the number of shares redeemed or repurchased.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N. W., Washington, D. C. 20549, 202 272-2762

RIN: 3235–AD50

[FR Doc. 88-21006 Filed 10-21-88; 8:45 am]

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